MADRAS COURIER.

VOLUME XXIV. **WEDNESDAY, SEPTEMBER 14, 1808.** **NUMBER 1197.**

TO DOCTOR JAMES ANDERSON, *P. G.*

MY DEAR SIR,

I have read with much pleasure your Notice in the Madras Gazette of this morning showing the great utility of the Nopal leaves. I have some Plants of them in our Garden at Mamalong, which I had the pleasure to receive from you many years ago, but as they are not sufficient to accomplish the extent of my wishes, I beg leave to re uest you will favor me with two baskets of leaves of them proper for planting, and you will further oblige,

My dear Sir,
Your most obedient
Humble Servant,
JOHN SHAMIER.

MADRAS, *Sept.* 10, 1808.

To JOHN SHAMIER, Esq.

MY DEAR SIR,

As you are the only person who have come forward here to acknowledge the possession of Nopals; I embrace the opportunity of complying with your re uest, as a means of progress in the introduction of Nopal Plants into every Garden in the Carnatic, where there may happen to be a wish to receive them.

I am with much regard,
My dear Sir,
Your most obedient Servant,
JAMES ANDERSON.

GARDEN, *Sept.* 10, 1808.

JAMES ANDERSON, Esq.
&c. &c. &c. *Madras.*

SIR,

I shall be much obliged by your sending by the bearers, four baskets of Nopal. I having been supplyed with a small quantity of it *at sea* from Captain Bruce of the Ceres, sometime ago; I found it an agreeable vegetable in the Soup. Although the voyage, I am under orders to proceed on, is not likely to be of long duration (Penang) It is probable I may meet Vessels returning from long voyages,

I am, Sir,
Your most obedient humble Servant,
WILLIAM DOIG,
Commanding the Brig L'Union.

MADRAS, *Sep.* 13, 1808.

P. S. If any commands to Penang, please send them to Messrs. Colt, Hart and Weston, to my address.

TO CAPTAIN DOIG,
Of the Brig L'Union.

MY DEAR SIR,

As a man cannot well carry above 300 Nopals, your people return with only 1200,—and it will oblige me, if you send what you can spare of them on your arrival at Penang, with the enclosed Pamphlet, to Mr. Scot, Senior, of that Island, for the purpose of planting in his Garden.

Wishing you a happy voyage.
I am your very obedient Servant,
JAMES ANDERSON.

GARDEN, *Sept.* 13, 1808.

THE COURIER.

WEDNESDAY, SEPTEMBER 14, 1808.

*** *Notice is hereby given, that* DIVINE SERVICE *will be observed at* ST. MARY'S CHURCH, *on Sunday evening, and the duty of the above Church hereafter regularly established twice on the Sabbath Day.*

Office of Commissioners for investigating the Debts of their Highnesses the late Nabobs of the Carnatic, Fort St. George, 7th September 1808.

THE Commissioners for investigating the Debts of the late Nabobs of the Carnatic, proceeded on the 12th Instant, to the consideration of the following Claims.

No.

28 Sir Benjamin Sulivan Administrator to the Estate of Captain H. B. Sulivan deceased, Bond 1st August 1781 of the Nabob Wallajah for arrears of Pay, and amount of contract for feeding the Horses of His Highness's Body Guard. Principal, Pagodas 4,835 39 10. Aggregate Sterling amount £4,989 16 0.

29 Sir Benjamin Sulivan, Bond 1st January 1793 granted to him by the Nabob Omdut ul Omrah, in lieu of two former Bonds, and a Tunka for Services performed. Principal, Pagodas 72,074 32 4. Aggregate Sterling amount £47,409 5 9.

30 Paul Vireya Claims for arrears of Pay as a Serjeant Major in the service of the Nabob Omdut ul Omrah, and refers to the Durbar accounts in proof of his Claim. Principal, Pagodas 160 0 0. Aggregate Sterling amount £82 14 5¼.

31 John Batley Acting Executor of Colonel Joseph Smith deceased, Debt 12th June 1798 of the Nabob Omdut ul Omrah for arrears of Pay. Principal, Pagodas 71,151 26 26. Aggregate Sterling amount £38,608 4 0.

32 Messrs. Harington and Co. Attornies for Colonel Manuel Martinz Assignee of Henry Price, Bond 1st September 1781, of the Nabob Wallajah for arrears of Pay. Principal, Pagodas 70 0 0. Aggregate Sterling amount £66 2 9.

33 Messrs. Harington and Co. Attornies for Doctor John Briggs, Bond 6th March 1798, of the Nabob Omdut ul Omrah for arrears of Pay as Physician to the Nabob. Principal, Pagodas 3,500 0 0. Aggregate Sterling amount £1,920 2 2.

34 Messrs. Harington and Co. Attornies for Edward Holland Esq. Assignee of Captain W. Smith, Bond, 1st August 1797, of the Nabob Omdut ul Omrah, for arrears of Pay. Principal, Pagodas 4,499 0 0. Aggregate Sterling amount £2,532 7 1.

35 Gilbert Ricketts Esq. Administrator to the Estate of Lieutenant J. H. Crucifix deceased, Debt of the Nabob Omdut ul Omrah for arrears of Pay. Principal, Pagodas 8,658 33 1. Aggregate Sterling amount £4,052 15 8½.

36 Gilbert Ricketts, Esq. Administrator to the Estate of Captain J. Moss deceased, Bond 31st December 1786, of the Nabob Wallajah for arrears of Pay. Principal, Pagodas 5,277 0 0. Aggregate Sterling amount £4,311 0 1¼.

37 Gilbert Ricketts Esq. Administrator to the Estate of Mr. David Young deceased late Administrator to Captain Benjamin Goard deceased, Bond 2d May 1782 of the Nabob Wallajah and Tunka 9th May 1794 of the Nabob Omdut ul Omrah for arrears of Pay. Principal, Pag^{s}. 4,404 32 70. Aggregate Sterling amount £ 2,614 4 7¾.

38 John King Lane on behalf of his wife Ann Lane formerly de Dieu widow and Administratrix of Monsieur de Dieu deceased, Bond 24th September 1799 of the Nabob Omdut ul Omrah for arrears of Pay. Principal, Pagodas 12,589 12 0. Aggregate Sterling amount £6,437 2 0.

39 Messrs. Binny and Dennison Attornies for Mrs. Ann Simpson Administratrix to the Estate of Col. Barrett deceased, Assignee of Col. Joseph Smith also deceased, 2 Bonds 18th September 1781 of the Nabob Omdut ul Omrah, one for Pagodas 12,849 0 0 for arrears of Pay; the other for Pagodas 11,430 0 0 for money lent. Principal, Pagodas 24,279 0 0. Aggregate Sterling amount £10,689 2 10.

40 Messrs. Harington and Co. Attornies to Lieutenant Colonel John Macintyre, Debt of the Nabob Omdut ul Omrah for arrears of Salary as Aid-de-Camp to the Nabob and price of a Chariot sold. Principal, Pagodas 7,000 0 0. Aggregate Sterling amount £5,310 4 0.

41 Messrs. Harington and Co. Attornies to Major Wm. Hamilton, Balance of an Account Current with the Nabob Omdut ul Omrah for arrears of Salary. Principal, Pagodas 3,184 1 64. Aggregate Sterling amount £1,455 15 2.

42 Collah Cinganah Chetty Mortgagee of Messrs Chase and Co. Assignees of Valentine Conolly Esq. Bond 1st January 1798 of the Nabob Omdut ul Omrah for arrears of Pay. Principal, Pagodas 31,743 11 40. Aggregate Sterling amount £16,718 1 5¾.

43 J. Pascal Attorney to Mrs. T. Neville Administratrix to Lieutenant Joseph Neville deceased, Bond 31st December 1786 of the Nabob Wallajah for arrears of Pay. Principal, Pagodas 3,226 0 0. Aggregate Sterling amount £2,635 8 11.

The Executors Administrators and Agents abovenamed are required to exhibit the original Probates of Wills Letters of Administration and Powers of Attorney, under which they act and have signed the Deed of Agreement. It will be likewise necessary that attested Copies of the Probates of Wills and Letters of Administration, should be produced at the same time, to be lodged in the Office for future reference.

W. PARKER,
S. T. GOAD,
HENRY RUSSELL.

APPOINTMENTS, &c.

Mr. EDWARD SMALLY, Assistant under the Secretary to the Board of Revenue.

Mr. I. M. HEATH, Ditto Ditto Ditto.

Ensign ANSTRUTHER, to resign the Service, in compliance with his request.

Messrs. JOHN WHEELER CLEVELAND, and JOSEPH ANTONY, to be Cadets of Infantry on this Establishment.

Mr. Superintending Surgeon Watson, to visit the Presidency, on leave of absence for two Months.

Senior Ensign THOMAS CASEY, of the 14th Regiment N. I. to be Lieutenant, vice BAZLEY, deceased.

Mr. Surgeon JOHN HAY, to be Garrison Surgeon, at Tranquebar.

Cavalry.—Mr. CHARLES OXENFORD AVELINE.

Artillery or *Engineers.*—Mr. CHARLES WM. BLACK.

Infantry.—Messrs. EDWARD JONES ELLAWAY, WM. LOW, WM. GEORGE WALHINGTON NOBLE, CHARLES SHORT, JAMES WM. TAYLOR, DUNCAN MONTGOMERIE, MICHAEL LAWLOR, EDWARD BARBER, JOHN WATSON, JOHN J. ANSON, WM. HOLMES BADDELEY, NEAL M'NEILL, and THOMAS GIFFORD, to be Cadets.

Captain BELLINGHAM, Assistant Quarter Master General in Mysore, and Lieutenant CRUMP, of the Invalids, to proceed to Sea, for the recovery of their health, on Sick Certificate.

Mr. HODGKINSON, Cadet, to proceed to Sea on leave of absence to Bengal for four Months, on urgent private business.

CEYLON APPOINTMINTS.

During the absence from the Island of Lieut. Colonel Wilson, Deputy Quarter Master General, the details of that department will be carried on by Captain Hankey, Assistant Quarter Master General.

Lieutenant Stewart, 19th regiment is appointed temporary assistant in the Quarter Master General's Department until further orders.—1st April 1808.

2d Lieutenant Dick, 2d Ceylon Regiment, is appointed assistant to the Military Secretary until further Orders.—1st April 1808.

On Friday evening arrived the Honorable Company's Ships, *Glory*, Captain H. BEEVOR, *Ann*, Captain J. MASSON, and *Diana*, Captain MARSHALL, left Calcutta on the 23d August, on their homeward bound passage.

PASSENGERS.

Per Glory:—Mrs. Johnston, Mrs. Hebe Leister,—Colonel Burrows, 14th Regiment Foot,—Lieutenant North 67th Do.—Ensign Thornton, 7th Native Regiment.—Mr. Johnston, & Master Playdell.

Per Ann.—Mrs. Drummond, Mrs. Dudley,—Capt. Drummond,—Lieut. Harrington,—Lieutenant Stoney,—Quarter Master Dudley,—Isaac Night, John Linner, Patrick Mullins, and two Master Thompson's

Per Diana:—Mrs. Radcliffe, Mrs. Dubois, Mrs. Marshall, Mrs. Latter,—Miss Latter, Miss C. Campbell, Miss Whitefield,—Lieutenant Colonel Dubois,—Captain Campbell,—Captain Latter,—Lieutenant Scott,—Lieutenant Ker,—Mr. Ord, and Mr. Radcliffe.

Arrived here on the 4th instant, the Snow *Nancy*, Captain Bloomfield, from Calcutta, left the Pilot on the 18th of May, and Calingapatam on the 21st of August.

The *Nancy* fell in with the Gale to the Eastward which drove so many ships to Penang, and after suffering much in her Masts, Rigging, Hull and Cargo, was obliged to bear up and make the first Port she could to refit.

Passengers per Nancy:—J. G. Meinhardt, Esq. and Family,—Messrs. A. H. Ebell, A Gaudoin, and Son, and W. Keating.

On Friday, at the Admiral's Gardens, a superb Entertainment was given to Lady Barlow by Captains Pownal Pellew & Hart, and Mr. Henry Russell. The whole was on the same grand scale as distinguished the party lately given by Sir Edward Pellew, with the addition of some well executed fireworks. The Company was very numerous, and the Dancing kept up with great spirit until a very late hour in the Morning. After which many Gentlemen sat down to a second supper, and several even partook of Breakfast before they retired to their respective homes.

On Sunday morning, a Salute of 15 Guns was fired on the embarkation of the Hon. Mr. JOHNSTON, on his return to his judicial situation on the Island of Ceylon.

A London Paper of the 3d of March, gives the following as a correct statement of the English Squadrons, then blockading or pursuing the enemy;

	Sail of the Line.
Off Brest, under Rear-Admiral Bertie,	10
Off Ferrol, under Commodore King,	3
Off Lisbon, under Vice-Admiral Sir C. Cotton,	12
Off Cadiz, under Rear-Admiral Purvis,	10
At Gibraltar, refitting,	3
Off Toulon, under Vice-Adm^{l}. Lord Collingwood,	9
In pursuit in the Straits, under Rear-Admiral Sir Richard Strachan, K. B.	7
Off Sicily, under Rear-Admiral Thornborough,	6
Total	60

Besides Frigates and smaller Vessels.

Russian Ships in the Tagus, under Admiral Sinaiven, on the 1st February.

Tevesdie, flag ship,	74	*Tilasail*,	74
Resail,	84	*Ratvezan*,	64
Silnei,	74	*Skoroe*,	64
St. Elena,	74	*Jarastaft*,	64
Matchnai,	71	*Keldecins*,	32

Late appointments at the Cape of Good Hope, by His Excellency the Earl of Caledon, Governor and Commander in Chief, June 1, 1808.

F. Dashwood, Esq President of the Lombard Bank.

P. L. Cloete, Esq. to act as receiver General of His Majesty's Revenues.

F. W. Fagell, Esq. sole Vendue Master in the Cape Town, and its districts.

W. W. Bird, Esq. His Majesty's Agent for Portugueze Property, detained according to the provisions of the Order of Council.

MADRAS MARRIAGE.

At St. Mary's Church, on the 3d Inst. by the Reverend Marmaduke Thompson Mr. John Anchant to Miss Charlotte Maria Maxwell, daughter of the late Colonel Hamilton Maxwell of H. M. 74th Regiment.

MADRAS BIRTH.

At Poonamalle, on the 6th instant, the Lady of John Campbell, Esq. Garrison Surgeon, Cuddalore, of a Son.

MADRAS DEATHS.

On the 13th ultimo, at Cuddalore, Mr. Nathaniel Hewlett, Cadet of Infantry.

On the 14th ultimo, at Vizagapatam, Mr. Samuel Yates, Deputy Commissary of Stores.

At Bangalore on the 3d Inst. Lt. T. Thompson of the 2d Battalion 19th. Regt. N. I.

On the 27th Ult. Lt. W. Ash, of the 1st. Battn. 7th Regt. N. I.

At Bangalore on the 9th Inst. Lieut. Reid, 5th Regt. Native Cavalry.

BENGAL MARRIAGES.

On the 22d August, Mr. Denty, to Miss Mary Fuller.

On the 17th August, Mr. John Kelpatrick Porter, to Miss Eliza Cussons.

On the 20th August, Mr. William Skinner, to Miss Dorothy Pereira.

BENGAL BIRTHS.

On the 12th August at Cawnpore, the Lady of Capt. Piercy, of H. M. 53d Regiment of a Son.

On the 22d August, Mrs. Stansbury, of a Daughter.

On the 13th August, Mrs. Skeene, of a Son.

On the 6th August, near Allahabad, the Lady of Captain Maxwell, Deputy Judge Advocate General, of a Daughter.

On the 19th August, the Lady of Charles De Verinne, Esq. of a Daughter.

BENGAL DEATHS.

On the 18th August, the Lady of Captain Benjamin Browne, aged 38 years, much regretted.

On the 15th August, Thomas Wigzell, Esq. aged 52 late a Purser in the H. C. Service.

On the 22d August, the Infant Daughter of Mr. J. G. Kramer.

Lately at Bysa, in the District of Purnea, the Infant Child of J. Barnes, Esq.

On the 17th August, Mr. Paul Parr.

On the 20th August, Mr. Joseph M'Quillen, an Assistant Teacher at the Lower Orphan School.

At Muttra. on Saturday, the 6th current, George Procter, Esq. Surgeon of H. M. 8th Light Dragoons; most deservedly and universally regretted by the Regiment, and a numerous acquaintance. He was an affectionate Husband, a kind Father, a sincere Friend. He has left a Widow and a large Family to lament his loss.

On the 17th August, in Saugor Roads, on Board the *Change* Pilot Schooner, Mr. Alexander Keymar, of the H. C. Marine Service.

On the 18th August, Mr. Gasper Johannes, the brother of Narcis Johannes, Esq.

On the 22d August, Mr. Rice.

BOMBAY BIRTH.

Lately, the Lady of Charles Joseph Briscoe, of a Daughter.

EUROPE MARRIAGES.

At St. Helena, in January last, Miss Harington, daughter of J. H. Harington, Esq. of the Bengal Civil Service, to P. W. Muston, Esq. Assistant Surgeon on the Bengal Establishment.

On the 18th February at St. Mary bone Church Capt. Bathurst R. N. to Miss M. Wood of Manchester St. Manchester Square.

EUROPE DEATH.

In February last, after a long illness, Mrs. Inglis, the Lady of John Inglis, Esq. one of the Directors of the Honorable East India Company.

TO CORRESPONDENTS.

The Letter of an Observer has been deemed inadmissable.

The Charade from Goa has been received, but its merits cannot be appretiated without the *Key* to it.

Want of room prevents the insertion of several favors lately received.

STATE of the THERMOMETER, in Fort St. George, in a moderately exposed room opposite the Sea.

Date		7 A.M.	Noon.	3 P.M.	8 P.M.	Remarks.
Sept.	7	82	86	87	83	
	8	83	87	88	84½	Shower of rain in the Even^{g}.
	9	86	88½	89	85	
	10	85	88	87	85	
	11	82	85	86	84	Rain at Night.
	12	85	87	86	84	
	13	80	87	89	83	Rain in the Aft^{n}.

Arrivals.—Lieutenant Colonel Charles Corner, 2d battalion 20th regiment, from Wallajabad; —Major Wilks, from Mysore;—Captain Oliver, 1st battalion 6th regiment, from Vellore;—Captain John George Bellingham, from Seringapatam;—Lieutenant Fennell, H. M. 59th regiment, from Bangalore;—Lieutenant Harington, H. M. 8th regiment light dragoons, from Bengal;—Lieutenant Cunningham, Judge Advocate in the Southern Division;—Lieutenant Morgan O'Hara, H. M. 33d regiment, from Secunderabad;—Lieutenant and Adjutant Moss, H. M. 30th regiment, from Seringapatam;—Mr. Surgeon H. D. Greaves, from Chingleput; and Mr. Assistant Surgeon James Towell, 1st battalion Pioneers, from Vellore.

Departures.—Major De Morgan, 2d battalion 22d regiment, to Seringapatam;—Captain Sullivan, 3d Ceylon Regiment; and N. A. Robson, Esq. to Bellary.

CALCUTTA,—August 24, 1808.

Under the present order of things, every prospect of a new field that may be opened for the consumption of British manufacture and produce, possesses additional claim to notice, and we therefore publish with satisfaction, the following Extract of a letter from London, on the authenticity of which the reader may safely rely.

"General Miranda, who lately arrived in London, from South America, brought with him documents, which have been laid before Ministry, shewing the earnest wishes of the South Americans in general to shake off the yoke of Spain and to become independent. It is stated that Government have determined on sending out an Expedition to the Caraccas and neighbouring provinces, for the purpose of aiding the inhabitants to form themselves into an independent Nation, leaving them to form their own laws and institutions, and to establish commercial connections with England.

"At present, all the British Manufactures they receive in those provinces, are sent to them through the Mother Country, so loaded with duties, profits, &c. &c. that many articles reach them with a charge amounting to 3, 4, and even 800 and 1000 per cent. advance Should the Expedition succeed, we may, therefore, reasonably hope, that South America, will take off great quantities of British Manufactures, of almost every description."

As somewhat connected with the information contained in the above Extract, we may add, that we are well assured, on information derived from Gentlemen, who were at Buenos Ayres and Monte Video, that the Colonists in that quarter, made an indirect proposition, to the Commanders of the British Forces, employed in that Country, to be allowed, under the sanction of Great Britain, to declare themselves free and independent. The proposition was unfortunately rejected. We say unfortunately rejected, for had it been adopted, these valuable colonies would have been lost to Spain, or rather to France which now governs Spain, the subsequent disasters would have been prevented, and Britain would have now enjoyed a most extensive and profitable market for her manufactures; and a connection would thus have been established between the two Countries, particularly encouraging to British industry, and far more beneficial than any tenure in the Soil.

By the late accounts received from the Cape, we learn that a small Portugueze brig, named the *Good Adventure*, arrived there in June, from Rio de Janeiro, with a cargo of Sugar, Rice, Coffee, Tobacco and Rum.

The above brig left South America on the 16th of March, at which date it was reported, that the Prince Regent and Royal Family had arrived safely at Brazil; under the escort of the British Squadron commanded by Commodore Moore.

Early on Sunday Morning, accounts were received in town, from Kedgeree, of the arrival there, on the preceding afternoon, of an English Ship from the Gulph of Persia, having on board Brigadier General Malcolm, Mr. Smith, British Resident at Bushire, Capt. Grant of the Madras Army, and Mr. Ellis of the Bengal Civil Establishment.

The ship, on which General Malcolm has arrived, left Bushire, on the 15th on July, had a tedious passage down the Gulph, and reached Balasore roades on the 20th curt.—The General and the Gentlemen who have arrived with him, from Persia, came up to town, on Monday forenoon.

Mr. Smith will, we understand embark in two or three days, on his return to Bushire, by the same conveyance with which he arrived.

Captain Pasley, Dr. Jukes, and the other British Subjects, remaining at Bushire, were all in excellent health at the date of our present accounts.

We learn also by the same accounts that the reports of French frigates and privateers, having entered the Gulph of Persia, is entirely void of foundation. No enemy's cruizers of any description, had been heard of in that sea for some time past.

Monsieur Surcouff, in the *Ravenant*, Privateer had however, made his appearance of the S. W. Coast of Arabia, where he fell in with and captured two valuable Arab ships bound from Moco to Muscat, having on board treasure to the extent of upwards of three lacs of dollars.

Both ships were manned and sent to the Isle of France, and as the late sweeping decrees of Bonaparte have abolished all the rights of neutrality, there can be no doubt that the two Arab Ships and Cargoes will be condemned without ceremony.

The *Minerva*, from Bussorah and Bushire arrived at Bombay the beginning of this month. This arrival can furnish no news, as she left Bushire, five days before General Malcolm's departure from thence. [*Asiat. Mirror.*

We are happy to inform the public, that a considerable number of the perpetrators of the late Robberyand Murder at Sulkeah have been apprehended, among whom is the person supposed to have committed the murder with his own hand.

Extract of a Litter from a Gentleman at Berhampore, dated18th August.

"I left Calcutta on the 10th and for five successive days wehadincessant Rain. Indigo Plants from one to two feet in height, appeared in great abundance, one third of which, if not more, is inundated. The Country from Calcutta to this station is at present, pretty generally, under Water."

TOWN-HALL LOTTERY.

Two Prizes, each of half a Lac of Rupees, one one of Twenty Thousand, two of Ten Thousand, and seven, each of Five Thousand Rupees, are still in the Wheel, though only one third of the original number of Tickets remain to be drawn: So that the Wheel is not only far beyond par, but from the large proportion of Capitals, the succeeding drawings become more interesting. The eleventh Drawing takes place to-morrow, and the whole will conclude on Saturday sen'night.

BOMBAY,—August 31, 1808.

The Minerva, Capt. William Hamilton, from Bussorah, anchored on the 25th Inst. And the day following the H. C. Ship Wexford, Captain Charles Barnard, with a detachment of H. M. 84th Regiment.

The Minerva left Bussorah the 6th July, touched at Bushire and Muscat, from which latter port she sailed the 12th August.

The Wexford left Gambaroon 4th August and Muscat the 16th. Spoke H. M. Ship Piedmontaise in Lat. 20° 38'. North.

The intelligence from Persia that has transpired, is of little comparative importance. The Turks and Russians have commenced hostile operations; and Sebastiani has left Constantinople. In the present state of Russian politics, connected with the circumstance of the late revolution at the Porte, such news must give rise to a variety of conjecture. The first conclusion that we naturally draw, is, that a unity of interests between the Porte and Great Britain, will restore that harmony to the two Courts, which has of late been so unfortunately shaken, by intrigue and mismanagement. It is unnecessary to comment on the good effects which must result from such a restoration of the ancient system.

August 22, arrived Ship, Henry Parnell, commander Thomas Williams, recaptured by H. M. Frigate La Nereide, from Madagascar, July 29th. Passengers, 7 Gentlemen and 6 Seamen, from the Isle of France, where they had been detained as prisoners of war; and 2 prisoners of war.

24th, Ship, Upton Castle, Captain W. Adams, from Bengal 20th of June.—Passengers, Captains Hemilton and Graham, and lieutenant Dunsmere, Bengal Native Infantry.

POLICE.

DUELLING.

Bow street.—On Thursday, about eleven o'clock, Mr. Nares, the sitting Magistrate, received private information, that Captain Campbell and Captain Herbert, of the East India Company's service were to fight a duel at twelve o'clock that day, on Wimbledon Common; in consequence of which Mr. Nares issued his warrant against the parties, and dispatched Adkins in a post chaise to apprehend the parties, attended by T. Jones, one of the patroles. They proceeded to the spot with all possible speed, where they arrived soon after twelve o'clock, but the parties were not there. Adkins went to the Baldface Stag Inn, about half a mile distant from the spot; and inquired of the landlord, who informed him that he had seen three gentlemen in a chaise go on the Heath, followed by two on horseback; they remained a little more than a quarter of an hour; and then returned; the chaise went towards Kingston, and the horsemen took the road for London; a man in the inn said he heard the report of a pistol, while the gentlemen were on the Heath, and concluded they had been to fight a duel. Adkins, proceeded to the Robin Hood and Little John Inn, and made inqniries of the Landlord, while they were conversing, the Rev. Mr. Butcher, of Wandsworth, an active Magistrate for the country of Surrey, rode up on horseback, who was likewise in pursuit of the duellists; and said he had received private information of their intention to fight on the spot where Sir Francis Burdett and Mr. Paull did, on Coomb's Warren. The Magistrate and Officer accordingly joined in their pursuit; the Magistrate took the road, and the Officer went through the wood. Immediately after the Officer got upon the Warren, he heard the report of two pistols. As soon as Mr. Butcher came up, he borrowed his horse, and set off with great speed towards the spot where the reports came from; he soon met a postchaise with three gentlemen in it, who proved to be Capt. Herbert and Mr. Simpson, of the Hummums, his second, and Mr. George Canney, a surgeon, of Featherstone-buildings, The Officer stopped the chaise, and told the gentlemen they were his prisoners. They then drove to the Robin Hood and Little John Inn, at Kingston-bottom, where Adkins left the Gentlemen in the custody of Mr. B. and went in pursuit of the other party; in a short time he met a chaise and four, with Captain Campbell and his second, Mr. George West Barnes, of Lemmer,s Hotal. The officer told them his business, and they went to the Robin Hood and Little John Inn, and then proceeded to London. In the evening they were taken before Mr. Graham, when it appeared that Captains Campbell and Herbert had fought a Duel, when Adkins heard the report of the pistols, without either party receiving any injury, and on the interference of the seconds, were reconciled. Mr. Graham, however, did not think this sufficient, and held the parties, their seconds, and the surgeons to bail, themselves in 200£. each, and two sureties in 100£. each. The dispute arose about a female, which took place on wednesday night at a ball.

INSURRECTION IN SPAIN.

Madrid, March 19, *nine o'clock at night.*

Since Sunday the 13th. instant, such important events have taken place, that the hurry in which I write will not allow me to arrange them in a proper order. Certain intelligence having been received of the Emperor of France coming here, it was asked on the part of the King, and at the request of the Admiral (the Prince of Peace), what was the object of his journey, and whither his troops were directed to march? —The answer was, that he came in a peaceable manner, for the good of the nation, and to make a Prince happy. The King, with his natural simplicity, and with great satisfaction, shewed this letter to the Admiral, who, being immediately aware of the blow which threatened him, prepared to make arrangements to escape to Mexico, taking with him the King, whom he succeeded in persuading to follow him, apprizing him with what they had to fear from the arrival of the Emperor and his troops; and for this purpose the Admiral took out of the Royal Chest thirty-six millions of rials.—In the course of last month, he had sent already sixty millions to Corunna, which were destined for London, where he has forty millions of dollars. On Wednesday he arrived in Madrid, and withdrew on Sunday, in the evening, according to his usual custom, to Aranjuez. As soon as he arrived there, he called a meeting of the Council, in which the flight of their Majesties was discussed.—The following day (Monday), early in the morning, the signatures of the three principal persons were collected, and when Cavellero's turn came, he said that he did not chuse to sign, nor should he allow them to do what they intended. The King represented to him in the most earnest manner the danger in which they found themselves; the general discontent of the people of Madrid, demanded his head (as the Admiral had falsely made him believe). Cavellero said that there was no such thing, that all was false, and that he had been deceived.—The King immediately answered—Do they deceive me? Do they betray me? Who is the Traitor?—That isthe Gentleman, pointing to the Admiral, who drew his sword—The Council immediately broke up. The principal party, consisting of Cavellero, the Prince, Altemire, Fernando Nunes, who they say was wounded, as were most of the Grandees. This happened at night: at the noise the Life Guards entered, and among them the Halbert-bearers, and soon afterwards the mob. The project, which was for some time only suspected, was ascertained by the orders given to the Life Guards.—On the following day (Monday) in the morning, the Life Guards took post on the road of Ocanna. The Hall of the Council and the whole of the Palace presented a scene of popular tumult. Some of the guards cried out "*Kill him,*" others "*Seize him!*" and some pointed the sword to his breast. The Prince of Asturias clung to the Admiral, who placing himself between the troops with fixed bayonets, fled to his house, or concealed himself in the Palace, and the Queen to her apartment. On Wednesday in the evening, a mail arrived, with an order for the garrisons of Madrid to assemble and prepare to march. At seven o'clock at night the bearers of these orders went to all the coffeehouses, and wherever they found officers or guards, directed them to join their corps, and through the whole town the carriages and horses were put into requisition. The troops remained all day in their quarters, which none of them were on any account permitted to leave, and much fermentation was observed among the people. And it was a matter of joy to them to go to the house of the Admiral, to see that he had no longer a guard of hussars. The Council of Castille met the same day, and continued in deliberation from ten in the morning until four in the afternoon, to answer the two questions of the King, whether he should leave the country, and whether his people were disturbed. to which questions the reply was, *that he ought not to leave the country, nor would they allow him to do so.* That the people were quiet and loved him, as he might himself see, if he would come to Madrid. This and the whole of the preceding day, nothing but complaints, clamours, and farewells, were heard in Aranjuez, because the King entertained the project of departing, until two in the afternoon, when a courier arrived from Napoleon, assuring him that he came with pacific intentions, This intelligence was immediately promulgated, and the lamentations were converted inso shouts of joy, congratulations, and embraces throughout all Aranjuez. The Patriarch returned home full of joy, exclaiming, "nothing is the matter, every thing is settled, go and make it public, let every one know." At half past eleven o'clock the same day, five loaded waggons passed through Aranjuez. Silva and Don Vicente arrived and brought the news, and a courier dispatched by Cavallero brought it to Government, with a charge to proclaim as soon as it should reach Delicias, "*All is settled, I am the bearer of good news, and of the orders for the troops to depart.*"

At midnight all the King's Guards, the Admiral's Hussars, the Volunteers of the State, and the Cavalry with loaded carbines and pistols, and the Artillery with lighted matches were on duty.—Yesterday (Thursday), in the morning, the annexed edict was posted, intended to undeceive and tranquillize the people; but at the same time, it was well known, that the Admiral was neither apprehended nor disgraced, as had been reported. On the contrary, on the Tuesday the Royal Family breakfasted at his house, and on the following day he was at the Palace, which grieved every body, and the inhabitants of Aranjuez continued much disturbed. Last night the Admiral withdrew from the Palace at eleven o'clock, and at one attempted to escape. The life guards observed it approached, and having ascertained the fact, fired a pistol, at which signal the rest of the guards assembled, and a throng of people endeavoured to force their way through the Admiral's hussars who surrounded his house. Some of the life guards were killed, and Don Diego Godoy (the Admiral's brother), who was at the head of his regiment of Spanish guards, ordered them to fire, but none obeyed. He repeated the order, when the people, and even his own soldiers fell on him, fired at him, beat him, and tied his hands and feet. The disturbance became general, from a belief that the Royal Family (who were in bed) intended to escape. Forty life guards set off at full speed after the Admiral, who had fled, and they succeeded in overtaking him, when they bound him, and took him to the Palace at two o'clock; they came up with him at Ocanna. The Princess of Peace and her daughter they caused to alight, put them in a coach drawn by the peasantry, who conducted them to the Palace, and delivered them to the Prince, who came out to receive them with two candles in his hands.

This day, at eight o'clock in the morning, our Royal Family appeared in the balcony of the Palace, to thank the people. At twelve, two Decrees were posted up in Madrid, one of which addressed to the President of the Council, is in substance as follows:—

"The King, in order to undeceive your Lordship and the Couicil, and that the Public may be correctly informed of what occurred last night, makes known, that in consequence of a disturbance between some Hussars and Life-Guards, some military and peasants assembled induced by an erroneous belief that their Majesties intended to leave the country, but their Majesties neither think of leaving the country, nor have they ever thought for a moment of withdrawing themselves from the bosom of their beloved subjects; that at five o'clock in the morning every thing was quiet in the Palace, and he directs the President to make it known, in order that the public may banish from their minds all false reports," &c. &c.

The second Decree recommends the Public to hold good haromny and peace with French troops, who are to pass through the capital and its environs, on their march to Cadiz.

This evening the annexed Manuscript Decree was publish, which levelled the Grand Colossus; such is the general joy and satisfaction of the public, that I doubt whether a general peace would cause a greater; and we all publicly congratulate each other. The public look upon the French without fear, without dread, and as their deliverers. The privates will be received at their quarters, and the Officers at the mansions and dwellings of the great. Order is recommended.

To-morrow about 4000 will enter the city—the following day the Imperial Guard—and on Monday Prince Murat. General report says, that the Emperor is detained by these occurrences, because letters from Bayonne and Yrun say, that he arrived there on the 12th, end others contradict it. La Manche is in a state of much confusion, and the people are determined to prevent the departure of the Royal Family, the intelligence of which had reached that Province.

His Majesty has been pleased to trasmit the following Decree to his Excellency Don Pedro Cevallos, First Secretary of State:—

DECREES.

"Aranjuez, March 18, 1808.

"A I intend to command my army and navy in person, I have thought proper to release Don Manuel Godoy, Prince of the Peace, from the employs of Generalissimo and Admiral, and give him leave to withdraw whither he pleases. You are herewith informed of it, and will communicate it, to whom it concerns."

"To Don Francis Gill."

MADRID GAZETTE, March 18, 1808.

"My beloved Subjects! Your generous agitation in these circumstances is a fresh proof of the sentiments of your hearts, and I, who love you as a tender father, take the earliest opportunity to condule with you in the distressed situation in which we are placed. Be tranquil; know that the army of my dear Ally, the Emperor of the French, traverses my kingdom with ideas of friendship and peace. Its object is to march to the points which are threatened with the danger of a descent by the enemy, and the junction of my life-guards has no other object than to protect my person, and they are not intended to accompany me on a voyage, which malice endeavoured to represent as necessary. Surrounded by the unshaken loyalty of my armed subjects, of which I have received such unquestionable proofs, what have I to fear? and should any imperious necessity require it, could I doubt of the assistance which their generous bosoms offered me? But no such necessity will ever be witnessed by my people —Spaniards, allay your fears; conduct yourselves as you have hitherto done towards the troops of the ally of you good king. In a few days your will see peace and tranquillity restored; your hearts and mine enjoying the happiness which God bestows on me in the bosom of my family and your love. Given in my Royal Palace of Aranjuez the 16th March, 1808.

"By the King, A. D. PEDRO CEVALLOS."

POEMS

WILLIAM AND JONATHAN

William and Jonaahan came to town together,
William brought learning, and Jonathan some leather;
Said William to Jonathan, what d'ye mean to do ?
Said Jonathan to William, I can sole a shoe,
With my leather, &c.

Said Jonathan to William pray what's your intention ?
William talk'd of things far above his comprehension ;
He meant to write poetry, pamphlets, songs, and plays,
Epitaphs, epigrams, and puffs, the wind to raise.
With his Latin, logic, &c.

It chanc'd that they lodg'd in the same house together ;
Will stuck close to books, and Jonathan to leather ;
Johnny in the cellar as any hog grew fat,
Will in the garret was as thin as a starv'd cat,
With their leather, Latin, &c.

When they had liv'd in town for years nearly twenty,
Will was very poor, but Jonathan had plenty ;
When meeting, one day, they compar'd notes together ;
And clearly prov'd that learning was'nt half so good as
other.
Sing—leather, &c.

COBBETT'S POLITICAL REGISTER.

March 19, 1808.

PERISH COMMERCE.

Under this head I must place the little which I think it necessary to say, at present, upon the subject of Mr. Arthur Young's letters. The statement in his second letter, respecting the consequences of a total stop to the *importation of corn*, is, at the first glance, truly alarming, so that I, who am not very apt to be scared by battalions of figures, have really started back at the array of Mr. Young. Having taken time to rally, however, I find that my alarm was groundless; and, as the matter is of great public importance, I cannot let it pass without some few observations respecting it.—I had said, upon a former occasion, that, compared with the annual consumption of the nation, the importation of food was a mere trifle; and that I believed, that, in no one year, did the importation amount to more than sufficient to feed the people for *one week*. This Mr. Young says he was astonished at; and he has now shewn, that the average annual importation of corn, for 26 years last past, has amounted to nearly, or perhaps quite, two millions of pounds sterling. Now, the population of Great Britain is 11 millions, and, if we allow the food of each individual, taking one with the other, to cost about 4s. a week, one week's food amounts to the two millions of pounds; so that, if this rate of subsistence be admitted, I was not much out in my reckoning, and that the average consumption of individuals surpasses four shillings a week there can, I think, be very little doubt. It will not do to tell me, that it is only *corn* that we are here speaking of, and that individuals do not consume 4s. worth of corn weekly; for, though this fact be correct, I answer, that, if we have a plenty of every thing else but corn, we can do with less of that; and that, the only way of estimating is, to speak of *food* altogether.——I wish Mr. Young had informed us what quantity of provisions of various kinds is annually *exported* from Great Britain and Ireland; for, I am inclined to think, that the amount of it would surpass that of the imports. The shops in America, strange as it may seem, were tolerably well supplied with *English cheese*, which, of course, would remain at home, if we ceased to receive American corn. Mr. Young does, however, say that the supplies of corn from America are not worth speaking of: and I was glad to hear him say so, because, as the public will have perceived, the American clan have been endeavouring to frighten us with the spectre of *famine*, to arise out of the cutting off of these "abundant supplies."——Great praise is due to Mr. Young for his researches, for his accuracy in detail, and for the ability with which he discusses all the subjects of which he treats; but, I do think, that he leaves the arguments of Mr. Spence wholly unanswered, it being impossible that any combination of facts can overset a principle, supported by reasons, which cannot be shown to be erroneous. Besides, what has Mr. Young's experience proved? Only this, that, at a particular period, when manufacturees were languishing *wheat was cheap* and agriculture upon the decline, as indeed, it must necessarily be. I see no great evil in this, being anxious only, that the point may be settled, that England can exist great and free, independent of *commerce*, by which, observe, I always mean, trade with *foreign* nations.——There is one other topic, touched upon by Mr. Young, which I wish to advert to for a moment: I mean, his proposed *General Enclosure bill*. That such a bill would be like the bed of Procrustes; that it would be an outrageous invasion of private property; that it would fall upon title deeds and records with teeth as unsparing as those of a paper-mill; that it would give rise to confusion and litigation without end, must, I think, be evident to every man at all conversant in the divers tenures and claims appertaining to the unenclosed lands of this kingdom. But, what good would it produce? Would it cause more corn to be raised? If it would, it would be a calamity; for corn is now *too cheap*; at least, so have said the parliament, in their acts for exportation. Would it cause more persons to be born and raised up? Why, then, increase of consumption would go hand in hand with increase of production; and no increase of abundance would take place. But, my opinion is, that it would cause no increase at all in the quantity of food raised: and this opinion I shall retain, until I see *all the lands now enclosed* producing *every year*, a crop more than sufficient to pay the expences of rent, taxes, and tillage. When I see such an accession of lands as to have brought out manure, and to have worked all the land, now enclosed, into this state; then I shall say, "enclose more land, for we cannot "make this more productive;" but, while I see one third part of the enclosed land producing annually nothing at all, or, at most, not half enough to pay the expences of rent, taxes, and tillage, I shall continue to think, that a *General Enclosure* bill would be a wondrous monument of national folly.

Orders in Council.——The bill giving effect to the rules laid down in these Orders, gave rise to a discussion, in the House of Commons, on the 24th of February. The bill establishes imposts and prohibitions with respect to goods, going from England to the Continent, and, as was observed in my last, the regulations adopted in the Orders will necessarily compel most of the goods, which the Continent receives from abroad, to pass through our Custom-house. Amongst the articles enumerated in the bill was *Jesuit's Bark*, a well known medicinal drug. Mr. Whitbread caught hold of this as a fine topic of declamation, moved for leaving out the article, and insisted that this was "an *inhuman* mode of warfare;" just as if *we* had begun it. The object of this bill, and of all the regulations in question, is to retaliate upon the Emperor of France for his decree, declaring England in a state of blockade; making it criminal in any nation to hold any sort of commercial communication with us, and providing a punishment for such crime; placing us under an interdict; depriving us of aid and comfort to be derived from foreign connection and intercourse. What do we? We retaliate, but with less rigour; for, upon certain conditions, we allow a communication with the Continent. He makes no exceptions in favour of *our sick*. Mr. Whitbread's logic is this: "if you prevent the removal "of disease, you must, on the same principle, wish "its increase; and this principle will lead to the pro- "motion of poisoning and assassination;" the conclusion he evidently aimed at being, that those who approve of this bill, would promote assassination, if they had the opportunity. No, Sir; for though I approve of this bill, I would not promote assassination any more than you would; though I approve of the bill, I do not wish to prevent the removal of disease, any more than you wish to prevent the removal of thirst by charging sixpence a pot for your porter, when you see many poor wretches who cannot possibly get it at that price. You cannot, I dare say, sell your porter cheaper without danger to your fortune; nor can we suffer the bark to go to France without danger to our fortune as a nation, because the same argument which will apply to the bark will apply to every other article, the very object of the bill being to produce *suffering* and *distress* amongst those who are leagued together, whether willingly, or not, for our destruction. You, Sir, like Mr. Roscoe, never seem to recollect, that the enemy has it, at all times, in his power to put an end to this "inhuman mode of warfare," and that, too, by the simplest of all means, namely, that of *ceasing to carry it on himself*. "Oh, "yes; a fine story, indeed, to expect *him* to recede!" "Why, really, Sir, if we do suffer ourselves to yield to insolent pretentions like this, we are unworthy of being independent; we not only must perish as a nation, but we *ought* so to perish.——You are alarmed, lest Napoleon's agents should go to his hospitals and say: "Behold, here is an English act of Parliament, which pre- "vents you from obtaining a remedy for your com- "plaints." If such were to be the conduct of his agents, "the effect, it appears to me, would be this: the sick soldiers would say: "Aye! is it so, indeed? Why then, "that England is a great power yet. The acts of that "parliament are mighty things. England is not hum- "bled, nor is it so very easy to conquer her. What! "can that Parliament, then, shut up all the channels "of the boundless ocean? Why, then, France, after "all our fighting and conquering, is little better than "a besieged town." This is what they would naturally say upon hearing only one side of the story; but, if they were to hear the other; if they were told, that this was, on our part, merely an act of retaliation, and that they might have Jesuit's Bark the moment their commander chose to revoke his interdict against us, their execration would fall upon his head and not upon ours.——Mr. Wilberforce was upon this occasion with the Jesuit's Bark Party. He, acute gentleman, discovered a distinction between this case, and the case of a besieged town. He saw, that, in the latter case, a prohibition of this sort might induce a general to capitulate: but, that there was not the least probability, that the prohibition proposed would put an end to the present contest with France. Putting an end to the contest is not immediately contemplated; what is in contemplation is, to make the Continent rue the effects of abetting a man, who has sworn our destruction, and who has placed us under an interdict. Now, the people of the Continent, in France as well as out of it, have yet the power of giving vent and effect to their feelings, or they have not; if they have, the sufferings which our prohibitions produce amongst them must lead to openly expressed hatred against him who is the cause of those prohibitions; and, if they have not, if the people of the Continent are so completely subjected to the will of Napoleon, that no sufferings can possibly move their passions; why, then, how is it possible that any regulations of ours can work a change in their minds to our disadvantage? But Mr. Wilberforce thinks it is certain, that Napoleon will have the bark, some how or other; and, that all which we shall gain will be an addition of hatred from the people of France. As to an *addition* of hatred, I am not afraid of that. I believe they neither love or hate us, any more than one can be said to love or hate an ox or a fat hog. They would willingly conquer us and pillage us, if they could, for which it would be foolish in us to be angry with them, seeing, that, if the occasion suited, we should be very likely to conquer and pillage them. At this present time all we aim at is *defence*: one way of defending ourselves is to weaken our enemy, and one way of weakening him is to make him get jesuits bark at the expence of a guinea an ounce instead of a shilling an ounce.——Mr. Whitbread reminded us, that, in case of a scarcity here, the enemy *might* prevent us from receiving corn from the continent, by way of retaliation; and so starve us. But, he has *already* cut off our communication with the corn countries of the continent; and does Mr. Whitbread suppose, that he would have opened the communication last month, if we had had a short harvest? the idea is perfectly ridiculous.——The same argument that has been urged against the prohibition of jesuit's bark will apply to all articles whatever; for they all, in a greater or less degree, either directly or indirectly, are condusive to the convenience, and necessary to the wants of the people of the continent. By the cutting off the supply of cotton some persons, at least, will greatly suffer; all suffering is not upon a sick bed; but all suffering leads to a sick bed; if you, Mr. Whitbread will say, prevent people from obtaining that which is necessary to keep them from suffering, you must, on the same principle, wish their sufferings to increase; and, as all sufferings lead to death, at a faster or slower pace, this principle will lead to the promotion of poisoning and assassination.——The truth is, that there was no foundation whatever for the objection; which was manifestly brought forward for the purpose of debate. To the whole of the measure, indeed, there *might* be some solid objections, but I have observed none such. The measure is a most important one. It is indeed, though not in word, a practical assertion of *the sovereignty of the sea*. As such it is looked upon by other nations; and the only fault of it is, that it was not adopted under that *name*, and that the duties now to be imposed were not denominated a *tribute*. This measure gives quite a new aspect to the war; it places us upon a new footing, and gives us a new character. we are not now going sneaking about like a set of hucksters and smugglers, wheedling this and that neutral to be our friends and to deal with us. We say (and I am only sorry that we do not say it flatly and plainly), you shall none of you have any communication with one another, without paying tribute to us. There are some persons who call this "*piracy*," though I wish they would consider a little their piracy upon the public purse. The late Attorney General (a very worthy man, I believe) called upon his brethren of the law to say, whether they ever read of the like being done before. They might have called upon him to say, whether he ever read of all the ports and naval arsenals of the continent being in the hands of one man before; and when he ever before heard of England's being declared to be in a state of blockade. What would our ancestors, at any period of our history, have said, if any power had had the assurance to decree their country in a state of blockade? Does Mr. Whitbread think, that they would have stood balancing about *commercial interests?* They would not have hesitated a single moment to declare every country their enemy who should refuse to resist such an intolerable pretension.

Army.——The Mutiny Bill has passed the House of Commons, and with the clause spoken of in my last. Thus has the measure of Mr. Windham, decidedly the best that ever was adopted with respect to the army, been upon only a few days notice, rendered null and void. The votes for the clause were 189, against 116, a greater minority than the ministers had before met with. Out of doors, the measure has excited great general disgust, but not greater than it merits; and, it is to be hoped, that, first or last, the authors of it will meet with their just reward.——Upon this third reading of the mutiny bill, Sir Francis Burdett moved to introduce the following clause: "that no officer in the army should be "dismissed or deprived of his pay, otherwise than by the "sentence of a court-martial, or by address of either "House of Parliament."——This being a question of vital importance to the remaining liberties of the country, I shall here insert the short sketch of the debate, as it is given in the newspapers, referring the reader, for a more full report, to the Parliamentary Debates.

"*Sir F. Burdett*, pursuant to the notice given for him a few days since by a noble friend of his (Lord Folkestone) had to offer a clause, to prevent officers from being dismissed from the army by any other means than the sentence of a Court Martial. He thought such a provision of essential importance to the army, to the interests of the crown, and those of the country. The form of the proposition he had to make was so moderate, that he did not conceive any objection could be made to it. He was not aware of any opposition being intended, except from some loose ideas that had been thrown out, of its trenching on the Prerogative. He did not think it did. But even if it were true that it did, he should not think that would be a reasonable objection with the house, if he could shew that the power, so far as he meant to correct it, had been exercised in a manner detrimental to the honour of the crown and the interests of the army and of the country, The army itself was constitutionally looked upon as a great infringement made by the crown on the prerogatives of the people. He did not say it was an unnecessary infringement. But as the army was constitutionally an invasion of the liberties of the people, the principle of limiting in some respects the arbitrary power of the crown, with respect to the army, could not be looked upon as trenching on the prerogative of the crown, which held the army only by the indulgence of parliament. He contended that no prerogative of the crown, ought to infringe on the liberties of the people. The clause he should propose had nothing in view but to secure that justice and fair dealing which should always mark the proceedings of the crown towards the people. He proposed to restrain only that which no king if well advised, would ever do. It was due to the officers of the army, to afford them that legal protection for their fortunes and lives, and what was of still more importance to them, their characters, which persons of other classes enjoyed. They were now wholly at the mercy of those malicious whispers, by which the ears of persons high in authority were ever liable to be abused. Officers of the army should certainly be no worse situated in this respect than the rest of his majesty's subjects, No man whatsoever ought to be condemned or punished without a hearing. Such was the principle of British justice. The honour of which military men were so tenacious, was so tenacious, was exposed to ruin often without the possibility of guarding against it. The discipline of the army also suffered materially by the practice he wished to correct. For when those who, if brought to trial, would be found decidedly deserving of punishment, were blended in the operation of one undistinguishing stroke of power with those who, if tried, had the means of procuring themselves an honourable acquittal, virtue and good conduct, in a great measure, lost their stimulus, and bad conduct was sheltered from a great part of that shame, which was the most effectual check upon its vicious progress. As the object he had in view was to prevent future abuse rather than to censure the past, he forbore to cast any reflection or to cite any of those cases which it would be competent to adduce. He might be told these were cases in which persons were dismissed, whom it would be hard to expose by a court martial, though it would have been highly improper to continue them in the service. Persons of this kind might be permitted to resign, and thus there would always be a sufficient security against abuse of every kind. It was the principle of the British constitution to separate every thing odious from the crown, and to adorn it with the heavenly attributes of mercy and the power of relief. It was an inconsistency with this principle that he wished to remove, by giving to the officers of the army the same measure of justice enjoyed by the rest of the community. It was by the army that the crown was supported and the people protected, and why should the army be in a worse situation than any other part of the people in the essential point of justice? The army had now grown to such an extent, with a disposition still further to augment it, that even in point of mere numerical consideration, it was a large portion of the people. And in the present critical and dangerous situation of the country, when our safety depended so much on the zeal and energy of the officers of the army, ought they to be left in circumstances in which they might be whispered out of their rank and situation, into poverty, disgrace, and ruin, and a thousand calamities worse than any law could inflict, by the arts of a dark malignant assassin, who would not dare to meet them in the open light of genuine British justice? Courts martial afforded ample means to punish every description of offence, and when it was considered that these courts were not like juries, bound to be unanimous in their sentence, and how many descriptions of offences could be included under the very extensive and sweeping charge of ungentleman-like conduct, so often censured and punished by them, he was sure no latitude of impunity could be apprehended, by giving every accused person the opportunity of stating his case before such a tribunal. He moved a clause accordingly."

"*The Secretary at War* complimented the honorable baronet on the *moderation* which he had displayed; but objected to the clause because he had laid no ground for it. He urged the bad consequences of changes in the military system without the strongest reasons for it; and the necessity that the army should be dependent on the crown. It was so necessary that even if it were not the case at present, he should have proposed it now for the first time. He would wish, if it were possible, that the military should have the advantage of the common law; but it was inconsistent with the constitution and discipline of the army. The history of the world proved the necessity of strict discipline in an army, and for this it must look at a head. The instances in which the power alluded to had been exercised were of late extremely rare; but the best effects resulted from the existence of the power. Every part of the prerogative pushed to extremes would produce abuses—such as in the making of peace or war. But this was no reason for diminishing that prerogative. An army independent of the sovereign was contrary to common sense. Such an encroachment on the prerogative would subvert the constitution. He allowed that in former times officers had been deprived of their regiments for voting against ministers. But there were no instances of this abuse in modern times. He therefore gave his decided negative to the proposition."

"*Lord Folkestone* adverted to the extraordinary manner in which the honorable secretary had answered the arguments of the honorable baronet on his side. He had complimented him first for not stating past abuses, and then objected to the clause, because no grounds had been laid for it. The honorable secretary very well knew that there were instances of the most cruel oppression that might be stated. But the honorable baronet below only looked to the future, and had laid irrestible grounds for his proposition. He had stated his object to be to protect the officers and the crown itself from doing what was known to have been done, and from the secret whispers of slander and malice. His lordship, however, expressed his hope, that the honorable baronet would withdraw his clause, and bring the subject forward in a separate bill, for so grave and important a matter required the most serious deliberation and the fullest discussion. The honorable baronet he allowed could not, however, be liable to the charge of precipitation from the other side. The noble lord opposite had brought forward his clause in a manner equally sudden; and as the honorable secretary had expressed so strongly his aversion to changes, he, no doubt, would give his vote against the change proposed by the noble lord near him. He earnestly requested the honorable baronet to withdraw his clause for the present, as he should regret extremely to be obliged to give it his negative."

"*Colonel Duckett* opposed the clause, on account that it would be making the army judges in its own cause; and also, as it proposed to refuse, for the first time, the placing confidence in the crown, when we had a sovereign who of all others had best deserved it."

"*General Fitzpatrick* said, that when he had proposed any change in the constitution of the army, he had always stated reasons which appeared to him to make it a matter of necessity. The military laws were naturally regarded in that house with a strong prejudice; and those who were particularly attached to the principles of the constitution, applied arguments to these laws which were not at all suited to the nature of the case. They were a necessary evil, and ought not to be interfered with. The honourable baronet had been complimented for his moderation, in not going into past abuses; but he was bound to make out the strongest case before a change of this kind could be for a moment contemplated The proposition, therefore, had his decided negative."

The motion was withdrawn, in order to be brought forward again in a separate bill. I have long wished to see this question brought before parliament. I wanted to hear what they would say to it; and particularly what the *Wigs* would say, those fine old boys, those "champions of our rights," as a correspondent in my last (whom I shall answer in my next) calls them. General Fitzpatrick spoke for the whole, I suppose; and now I should think, that the friends of Sir Francis Burdett may set their minds at rest as to the *support* that he is to receive from the Whigs. I have before observed upon the alteration, which the increased state of the army has made in regard to the prerogative in question. When the whole of the peace establishment was not above ten thousand men, there was no danger in the prerogative; but, now, when the number of *commissioned officers* were more than 10,000; when one can scarcely walk a hundred yards, in any street of any town, without rubbing against an officer of the army; when no small part of the members of both houses of parliament are officers of the army; and when there is scarcely a family of any note in the whole kingdom that has not some relation an officer in the army, surely such a prerogative must be very dangerous. England is now *a military country*; it is so professed to be by the ministry and the parliament; and, if this be so, and if the king has the absolute power of dispossessing, at his pleasure, and without reason assigned, every officer of the army of his means of existence as well as of his character, of what *sort*, I ask, is the government of England?—Colonel Duckett's observation, that the proposition refused to place confidence in "a sovereign, "who, of all others best deserved it," was to be sure, of great weight. Yes, without doubt, no sovereign ever deserved confidence so well as his Majesty. That is a settled point. But, the worst of it is, that there will always be men to say the same thing of every future sovereign, as there have been to say it of the past. Pope has a passage, the words of which I forget, but the substance of which is, that the character whom he is describing, always thought the king of the time being the best; and, when one king died, could scarce be vext, so wise and gracious was the next. But, the qualities of the king had nothing at all to do with the matter. Sir Francis Burdett professed to wish for nothing more than to guard the officers of the army *for the future*; and, surely, to leave the fortunes, the character, and the happiness of so considerable a part of the nation at the sole mercy of the military adviser of the king is not very agreeable to the spirit of those laws, which make up what is called the constitution of England. I earnestly hope, that this subject will undergo an ample discusfion. It is of infinitely greater importance to *the people of England*, than all the questions about commerce and the law of nations, which have cost the honourable members so many hard nights' work during the present session, and which have caused the printing of more papers than any man living could read in a year, though he went over them with the volubility of a law-stationer's clerk.

Portuguese Merchants.——I lose not a moment in endeavouring to put the public upon its guard against an attempt, which, according to a paragraph in the Courier, of the 15th instant, this description of persons are preparing to make upon the taxes. It is there stated, that they have had a meeting at the London Tavern, and have appointed a committee to wait upon the Secretary of State, in order to obtain indemnification for their losses, in their precipitate flight from Lisbon.——This is intolerable. What! are we to be taxed to pay for the losses, which they have incurred in trade; Do we suffer a bookseller, or a printer, to come to us for losses, which he may have sustained by fire? As well might we indemnify the farmer for his losses by the sheep-rot or the turnip-fly.——Why did they not *insure?* If they could not do that, why did they not come away sooner? They had plenty of notice.——In short this is as impudent as the application of the adventurers to Buenos Ayres, and worse of it cannot be said——Upon one condition I would grant them indemnification. I would make each individual give an account of his profits, since he began trade with Portugal. Those profits he should then pay into the exchequer. I would then give him as much as he could have earned, in the capacity of a labouring man, from the time he began to trade with Portugal until the present time, deducting the sum necessary for his support as a labouring man, during that space. If he had made no profits, I would advance him out of the taxes, the amount of 12 shillings a week for a year, or, which would be much better, perhaps, send him, at once, to the parish, if he were unable to work.—What insufferable, what outrageous impudence! A set of men leave their own country, go to another to carry on a lucrative trade, continue in that trade for years, and, at last, when they can stay no longer, when they can derive no longer any profits from a trade, for the support of which their country has dearly paid in armaments and subsidies, home they come and demand *indemnification* for the loss they have sustained, in consequence of having remained to the last moment!

Botley, 17*th March* 1808.

TYPE FOR SALE.

TO be Sold on reasonable terms the Type with which the Courier has been printed until the Date of this Advertisement—A great proportion of it is in very good order, and is worthy the attention of any person who may be in want of such an article.

For particulars apply to the Editor, at the Courier Office, Fort.

FORT, *Sept.* 7, 1808.

SHERIFF'S SALE.

In the Supreme Court of Judicature at Madras,

Sittalore Paupah Moodelliar,

vers.

Daumal Carekistnau and Keanammall.

NOTICE is hereby given, That on Friday the 23d and Monday the 26th of September Instant will be sold by Sheriff's Sale on the Premises between 4 & 6 in the afternoon of each day, the undermentioned Premises Vizt. On Friday the 23d a small Garden situated in the Village of Tandyarput on the East adjoining to the Garden of Arnachellah Chitty Measuring 15¼ Grounds or thereabouts.

And on Monday the 26th, One House & Ground situated in Peddoo Naicks Pettah No. 56 Naugamoney Garden street Measuring in Length from East to West 85 feet and in breadth from North to South 30 feet or thereabouts being the property of the above named Defendants and Seized by order of the Supreme Court of Judicature.

CONDITIONS OF SALE,

Ten per Cent to be paid immediately on the amount of each Purchase and the Residue in 10 days in default of which the deposit shall be forfeited the Premises to be resold and the first Purchasers to be held Responsible for any loss or deficiency that may arise thereon and all advantages forfeited.

WILLIAM M'TAGGART,
SHERIFF.

Madras, September 13, 1808.

ADMINISTRATIONS.

LETTERS of Administration of the Estate of THOMAS CHASE, deceased, who was lately of Madras Merchant having been granted by the Supreme Court of Judicature at Madras to JOHN KENWORTHEY, JAMES BALFOUR and THOMAS PARRY Esquires. It is hereby required that all Persons who are indebted to or hold property belonging to the said Estate do pay their debts and deliver such property, and that all persons who have claims on the same Estate, do forthwith state them to the said Administrators at Madras.

LETTERS of Administration of the Estate, (una dministered) of ADAM BLACKADER deceased, who was heretofore of Madras Surgeon, having been granted by the Supreme Court of Judicature at Madras to JOHN KENWORTHEY, JAMES BALFOUR, and THOMAS PARRY Es rs. It is hereby re uired, that all Persons who are indebted to or hold property belonging to the said Estate do pay their debts and deliver such Property—And that all Persons who have Claims on the same Estate, do forthwith state them to the said Administrators at Madras.

WANTED.

SEVENTEEN Hundred and Eighty four (1784) Star Pagodas, Twenty (20) Fanams and Sixty four (64) Cash, for His Majesty's 80th Regiment for which, will be granted Bills at Sixty days Sight on Messrs. GREENWOOD and COX, Agents for the Regiment. Sealed proposals will be received by Mr. Dick, Paymaster of the Regiment, until the 30th Inst. and such as may be tendered will be opened in the presence of a Committee on the 1st. of October, and the lowest exchange in Sterling Money accepted.

To be backed "Tender for a Bill."

By order of Lieutenant Colonel FORBES, Commanding H. M. 80th Regiment.

JOHN DICK,
Assistant Surgeon and Act. Paymaster 80th Regiment.

SERINGAPATAM,
9th September 1808.

A HOUSE TO BE LET.

THAT AIRY HOUSE, now occupied by the NEW NAVY TAVERN, Commanding a fine view of the Port, and situated within a few Paces of the Custom house.—On the ground floor are Nine Rooms or apartments with a spacious thatched BUNGALOW and VERANDA, together with out-offices.—Two spacious Rooms on the ground floor built on Arches might be easily converted into one open space for the purpose of a Shop, Godown, or Warehouse. On the upper floor are four AIRY ROOMS, which if found necessary might be converted into one open space.

Enquire of W. GRANT.

THE MASTER OF THE CEREMONIES NIGHT.

THE MASTER of the CEREMONIES, has the honor to inform the LADIES and GENTLEMEN of the Settlement, that his BALL will take place at the Pantheon on Thursday the 15th September.

*** Gentlemen's Tickets to be had at the Pantheon, at 3 Pagodas.

September 9, 1808.

BENGAL MUSLINS.

A BEAUTIFUL assortment of fine DACCA MUSLINS, plain and worked, are now exposed for sale, at the Pantheon.

September 9, 1808.

CHILDREN'S TONTINE.

ALL Persons concerned or interested in the Children's Tontine, of which Messrs. TULLOH, BRODIE and Co. acted as Secretary are particularly requested to meet at the Exchange, in the Fort, on Saturday the 17th Instant, at 10 o'clock in the forenoon.

MADRAS, *September* 10, 1808

TO BE SOLD

THAT well known Elegant upper roomed Mansion, with excellent Garden, and out Offices, &c situated at Vipery, late in the occupation of Major-General Collins, *Deceased.*

For further particulars Enquire of Messrs. FRANCK and THOMSON, Suncaramah street, Black Town.

ADVERTISEMENT.

FOR ACCOMODATIONS

ON THE

HONORABLE COMPANY'S SHIP

LORD NELSON,

AND

EXTRA SHIP

GLORY,

PLEASE TO APPLY TO

MESSRS. HARINGTON & Co.

To be Let or Sold.

A VERY Roomy and Commodious GARDEN HOUSE, pleasantly situated in the vicinity of the Spur Tank.

Also an Excellent House with an adjoining Bungalow at Quibble Island.

ENQUIRE OF

MESSRS. HARINGTON & Co.

FOR PRIVATE SALE.

A HANDSOME Carriage nearly new, with Harness and Pair of Capital Grey Arab Horses.

ENQUIRE OF

Mr. T. BIRTLES, on the MOUNT ROAD.

LOST.

AT ENNORE, on Sunday the 4th Instant, A SILVER HUNTING WATCH, *Jewelled*, with a black enamelled Dial-plate, and Silver hands.

Makers name WILLIAM HOLMES Strand, *London*, No. 7603.

A Reward of Ten Pagodas will be given to the finder of the WATCH, upon his bringing it to the Office of this Paper.

If offered for Sale it is requested the Person may be Stopped and application made as above.

SALES BY AUCTION.

SALE POSTPONED FROM TUESDAY, 13th Instant, to TUESDAY, the 27th Instant.

To be Sold by Public Auction,

By Franck & Thomson,

AT THEIR AUCTION ROOM,

On TUESDAY, the 27th Instant,

THE REMAINS OF

AN INVESTMENT,

CONSISTING OF

A GENERAL ASSORTMENT OF

EUROPE ARTICLES.

Catalogues will be published and distributed previous to the day of Sale.

To be Sold by Public Auction,

By Franck & Thomson,

On FRIDAY, the 16th Instant,

AT THE HOUSE IN VIPERY

OCCUPIED BY

James Plunkett, Esq.

THE

PLATE,

FURNITURE,

Glass and China Ware,

&c. &c. &c.

ALSO

A Neat Hooded Pannell'd BANDY, with a CHESNUT BANDY HORSE and HARNESS complete,—The property of the above Gentleman leaving the Presidency.

Catalogues are now in hand, and will be distributed prior to the day of Sale.

By order of the Attornies for the Underwriters with the consent of the Re-captors.

To be Sold by Public Auction,

AT THE

Deputy Master Attendant's Office,

ON THE BEACH,

On SATURDAY next, the 17th Instant,

AT ONE O'CLOCK.

THE SHIP

VENUS;

FORMERLY CALLED THE

ADMIRAL RAINIER,

RE-CAPTURED BY

His Majesty's Ship

SEA FLOWER,

COMMANDED BY

Lieut. James Wood.

WITH her Masts, Yards, Sails, Standing and Running Rigging, as from Sea, and now lying in Madras Roads.

The Above Ship was built at Demaun, in the year 1800—measures 450 Tons or thereabouts, and carries 7000 Bags of Rice.

CONDITIONS OF SALE.

Ten per Cent. of the purchase Money to be paid down immediately after the Sale, and the residue within ten days, in default of which, she will be put up and resold at the loss and expence of the first purchaser, with all advantages forfeited.

The vessel will be at the risk of the purchaser from the moment she is knocked down.

The expence of conveyance to be borne by the purchaser.

A list of Stores may be seen on application at the office of Messrs. BINNY and DENNISON.

ADVERTISEMENT.

NOTICE is hereby given, that the Drawing of the First Class of the Madras Government Lottery, will positively begin tomorrow Thursday, the 15th Instant, at Ten o'clock in the forenoon.

HEEFKE AND SON,
AGENTS.

September 14, 1808.

SALES BY AUCTION.

To be sold by Public Auction,

By James Dobbin,

AT THE BUNGALOW

NOW OCCUPIED BY

Thomas Daniel, Esq.

NEAR THE PANTHEON,

On MONDAY, the 19th Instant,

SALE TO COMMENCE,

AT HALF PAST TEN O'CLOCK;

THE Property of the above named Gentleman, consisting of Plate, Household Furniture, Glass and China Ware, Hanging and Wall Lamps, a pipe of excellent Madeira, a Grey Arab Bandy Horse, with a new Pannelled Bandy and Europe Harness, complete, a Pegue Bandy Horse, with a small Pannelled Bandy, and a Child's Bandy.

ALSO

A collection of

CHOICE BOOKS.

TERMS OF SALE,

READY MONEY.

To be sold by Public Auction,

By James Dobbin,

AT HIS AUCTION ROOM,

To-morrow THURSDAY, the 15th September,

SALE TO COMMENCE

AT HALF PAST 10 O'CLOCK.

TWENTY Kegs of Barley, One Keg of Tongues, Fifty Pair Leather Breeches, Fifty Pair Do. Pantaloons, 39 Pair Ladies Shoes, 14 Silk Handkerchiefs, One Roll of Ribbon, and One Piece of French Cambric.

To be Sold by Public Auction,

By James Dobbin,

AT HIS AUCTION ROOM

To-morrow THURSDAY, the 15th September.

AT 11, O'CLOCK

FOUR hundred and Twenty Seven Curry Combs, and three Barrels of Bar Steel.

ALSO

A Few Hams and Pine Cheese.

To be sold by Public Auction,

By James Dobbin,

AT HIS AUCTION ROOM,

To-morrow, THURSDAY, the 15th September,

AT 11 O'CLOCK;

Sixteen Cases of Gin.

FOR SALE ON COMMISSION,

By James Dobbin,

ONE Large Teakwood Sea COTT with 3 Drawers,

AND

Three Childrens Teakwood Sea COTTS with 4 Drawers each.

To be sold by Public Auction,

By James Dobbin,

On MONDAY, the 26th Instant,

SALE TO COMMENCE,

AT HALF PAST TEN O'CLOCK;

AT

J. Stuart Hall Esq.'s

GARDEN,

AT PRESENT OCCUPIED BY

CAPTAIN POLLOCK,

THE FURNITURE, PLATE and GLASS together with a valuable collection of BOOKS, the property of that Gentleman, quitting the Presidency.

Catalogues will be prepared, and may be had on application to JAMES DOBBIN, on or before the 18th current.

FOR PRIVATE SALE.

A HANDSOME light, pannelled BANDY, with a capital fast trotting ACHEEN HORSE, sound and tractable, with Harness to fit. Price 235 Pagodas.

ALSO

A Handsome BAY HORSE, who goes well and quietly in Harness and has been rode in Saddle. Price 100 Pagodas.

The BANDY, and two HORSES will be parted with together for 325 Pagodas.

For particulars Enquire at the Office of this Paper.

MADRAS:—PRINTED BY WILLIAM SMITH, NEXT DOOR TO THE TOWN MAJOR'S HOUSE IN THE FORT.

*** It is requested that those SUBSCRIBERS to the COURIER who are occasionally changing their Residence, will give early notice of the place to which they remove to the PRINTER who will pay attention to their orders, and any SUBSCRIBERS at the Presidency to whom the Peons may not deliver the Paper in proper time, are requested to give information of the same in order that this irregularity may be prevented in future.

SUPPT. TO THE MADRAS COURIER.

WEDNESDAY, September 14, 1808.

RECORDER'S COURT BOMBAY,—July 27.

MULHAR ROW, v. HORMUSJEE BOMANJEE.

(Continued from our last.)

The evidence for the Plaintiff being concluded Mr. Woodhouse was heard for the Defendant in substance as follows:

It was impossible to doubt the Advocate General's statement, that the interest which this cause excited was not confined to the parties on the record, but that it extended to the whole Hindo community—this was apparent in the numbers which thronged the Court and in the convulsive enthusiasm with which some of them delivered their testimony. It is highly probable however that their piety would not have been so conspicuous if the kindness of the Advocate General had not, by procuring the interference of government, spared them the expence of protecting their God. Relieved from such apprehensions, their holy zeal immediately bursts forth and they become loud clamorous and active to rescue their God from that incarceration, which he might have endured till the Sun and moon should pass a way, if his deliverance was to be procured by, the escape of a single Rupee from the coffers of these pious and disinterested Sonars.

But, besides the Hindo population there was also another class of subjects, that to which the Defendant belonged, equally but adversely interested in the event of this suit.

Without intending any invidious comparison it may be fair to observe, after what has been said of the pecuniary pride of the Parsees, that while the still suspicious Hindoo avoids every external exhibition or signs of wealth, with the same jealousy and caution as if he lived under an Indian dispotism, the liberality of the Parsees displaying itself in the number and magnificence of their houses and equipages, affords a gratifying and striking example of that confidence, they feel in the security of private property which we trust will ever be felt where British laws are established. The Parsees have at least the merit of being the first in this portion of the British dominions to give such unequivocal marks of this confidence. They look to the result of this suit with great anxiety; not from any religious animosity towards the worshippers of Maladeo, but from a desire to save from disturbance and intru[illegible] the venerated [illegible] of their dead, which their religion commands them to surround even with the silence and solitude of the desert.

Mr. Woodhouse after stating the circumstances relative to the property prior to its coming into the hands of Pandoo proceeded to state that after Pandoo had been in possession of the hill for about 4 or 5 years it seemed that he contemplated the erection of a religious building; for a report of this kind having reached the ears of the Parsee Punchaeet, a message was sent by them to Pandoo stating their objections to such a building and requesting him not to proceed; to this he answered that he was only building a shed for his cartman, but that he talked of building a Pagoda there to deter Europeans from applying to him for the hill to build on. With this answer the Punchaeet appeared to have been satisfied.

But it seems that Pandoo either intending to deceive the Parsees, under pretence of eluding the Europeans, or desirous of giving some color to the report which he had for the latter purpose caused to be spread abroad, proceeded to the erection of the building in question and to furnish it with religious symbols and images. The hill having been the occasional resort of the Hindoos for many years before Pandoo had possession of it, who were attracted thither by the reputed sanctity of the place, it is not to be wondered at that they should continue to visit it after the Pagoda was built; and seeing the symbols and images which it contained, that they should pay their trensient devotions at its shrine.

At length however the smiles of fortune having ceased to beam on Pandoo, and losses in commerce coming thick upon him, his whole property in 1800 was seized in execution by the Sheriff.

The sanctity of Baboolnauth failed to save it from the general fate; the pious worshippers of Mahadeo stood by and witnessed the transfer in profane hands; that piety, which is now so clamorous and outrageous, was silent under the dread of sacrificing a few Rupees in behalf of their god. Like the rest of Pandoo's property it came to the hammer and was sold to Mr. Burrows; of whom the Defendant afterwards purchased it, The Defendants principal object in the purchase being that of securing a greater spread of solitude for the tombs, has properly attempted to prevent the access of all persons to this spot a a place of religious resort and by so doing has given occasion to the present suit commenced after a possession of nearly seven years by the Defendant.

Two questions arise, the affirmative of which is maintained by the Defendant.

1st. Whether the property was actually sold and delivered to the purchaser?

2d. Whether the Sheriff had a right to sell it.

The language of the deeds by which the property was successively conveyed to Mr. Burrows and to the Deft. is too plain to admit of any doubt, that Baboolnauth was actually conveyed. This is acknowledged by the Advocate General—but then it is said that that was owing to some new light which the Sheriff had received on the subject—for the advertisement for sale made no mention of Baboolnauth; and the Sheriff at the time of Sale, when Baboolnauth according to Sunkersett's evidence, was brought to his notice, declared he meant to sell only what was Pandoo's property. From these two circumstances it is laboured to be inferred that Baboolnauth was not in the sheriffs contemplation at the time of sale. Little reliance can be placed on the form er, when it is recollected that the whole of the property has been in Pandoo's possession for upwards of twenty years; that Dungerwaddy constituted by far the greater portion of his property in that quarter and that it was in Dungerwaddy that his dwelling house stood; for these reasons it is not at all improbable that the whole of the property should be called by the name of the greatest part, more particularly by those who were not intimately acquainted with each distinct portion—it is not a little singular too, that such an argument should be advanced by the Plaintiff when he has in his bill, filed on the other side of the Court, stated Baboolnauth to form part of Dongerwaddy.

As to the other circumstance, which seems brought forward only for the purpose of explaining the supineness of the cast in suffering Baboolnauth to be sold, it rests soley on the testimony of Sunkersett Baboolnauth, is rendeded extremely improbable by other attendant circumstances, and will be nagatived by the testimony of Mr. Burrows. If the defendant had been obliged to leave this part of the case solely, as might stand on the testimony of Sunkersett no great alarm need be felt by him. For though this head of the Sonar cast, [who came into the box and exhibited a singular experiment, how far impudence and ingenuity can reconcile loud professions of truth with silent evasions of it,] may not be endowed with all the religious privileges of Bramins in defence of a Pagoda, he seems possessed of more than their religious zeal; and the only difference discoverable between the Bramin and the Sonar in this pious contest is, that the one may lie and that the other must not speak the truth. Mr. Woodhouse here made some observations on a notice delivered by Gunness Sunker and another to Mr. Constable which rendered the evidence of Sunkersett somewhat improbable; and stated the substance of the evidence which Mr. Burrows would give.

As to the second question it was contended that Pandoo had not devested himself of all property in the Hill because in the first place the ceremony of Urcha was not performed—and in the second place if it were it was not sufficient for the purpose of due consecration, as the Leeng was a new one.

I. As to the first, the only direct evidence is that of the two Bramins; whose testimony is to be received with the utmost caution after the declarations they made in respect to the privilege their religion allows or rather the duty it injoins them, to tell a falsehood in support of a Pagoda. This alone mnst wholly invalidate their testimony, or at least drive the Court to consider their evidence by the rule which Major Wilks, in his report on Mysore, mentions, as prevailing in all native Courts, namely "that a witness is not to be believed even on his oath unless his testimony is confirmed by circumstances."

Mr. Woodhouse after making some remarks on the evidence of these Bramins and the manner of their giving it, to shew that the suspicious character of their testimony did not alone rest on the presumption of falsehood systematically belonging to it, but that it bore strong features of untruth on the face of it, proceeded to take a view of some of the circumstauces which negatived the testimony of the Bramins as to the fact of consecration; they state it not to have been done in secret, they say notice was given to the neighbourhood about it, and that five of the Sonar cast, at least, attended when Pandoo declared his grant of the hill to the God, it is not to be imagined, that under these circumstances if such a thing had taken place, but that it must have been known to the neighbourhood; that some person could have been found who had heard of such a thing; where are the Sonars who attended? would Pandoo have performed so soleme an act without the presence of some of his family? where are they? where are his books in which such a transfer and dedication must have been noted down?

It is also hardly to be credited that any dedication, as they describe under the alleged circumstances of publicity, could have taken place without alarming the Punchaeet, who would doubtless have used all their influence to prevent an establishment which they could not but regard as a nuisance.

But this conduct of Pandoo himself furnishes a strong presumption that no such consecration, as is now contended for, no such abdication of property, ever did take place.

Mr. Woodhouse contended that any inattention to the due performance of the religious worship; any neglect of the proper duties; any appointment of improper persons to attend and perform the ceremonies; any undue appropriation of the place and its vicinity are strong proofs that it was not originally a properly constituted Temple; such circumstances are two flagrant a violation of his religion for any Hindoo of ordinary piety to be guilty, much less the pious founder of the Temple himself; but of all these acts was Pandoo guilty—he suffered, nay, appointed common Hindoos to perform the ceremonies; he winked at the neglect of their performance; he suffered Toddy to be drawn and placed within the smell of the God; he permitted a low cast Ghantwally girl to live in a state of prostitution at the Pagoda; he suffered the Parsees to feast on meat and wine under the very nose of his God, and exposed him to daily and incessant pollution—in addition to which he appropriated to himself the produce of that hill which it is contended he had solemnly renounced in favour of Baboolnauth. Besides this, notwithstanding what has been said respecting the wakefulness of the Pandoo family, having been lulled by the pretended declarations of the Sheriff; it is impossible to suppose that Pandoo, who was on the spot when the sale took place could have been ignorant that the hill was on sale—if so it is scarcely to be conceived, that if he had been conscious of its due dedication to the God and the public, why he should not interfere; ill as he was and on his death bed his conscience would the sooner have taken the alarm and have impelled him to interfere and prevent so impious a transfer.

The only circumstance which offers any confermation of the testimony of these Bramins, as to the consecration of the Temple, in the resort of the Hindoos to it as a place of worship; but Mr. W. contended that the circumstance of its having been frequented by them before the Pagoda was constituted, and which they would to this very hour have continued to do, if none had ever been built, most materially weakens the effect of this fact as evidence of consecration. Besides, it would be absurd to consider this use of it by the Hindoo as evidence of consecration, when it is notorious that more than two thirds of those who attend to worship, never think of enquiring whether the place was duly devoted, but contenting themselves with seeing something like a symbol or image, pay their homage of course. It is also clear from the testimony of Ragoonath Ballajee who even went there after it had been notoriously in a state of pollution, if not desecration, that these people would have no scruple to worship at unconsecrated places.

Thus far then the evidence of the Bramins, to which of itself no credit is due, stands unconfirmed by any of the circumstances apparent on the evidence for the Plaintiff; but this is not all: they will be positively contradicted as to facts which they have taken upon themselves to swear to—they state the Leeng to have been an old one; they swear that it was found on the very spot where it now stands; that nothing more was done than clearing away the ground round about it—in this last fact they have already been contradicted by the testimony of Baboojee Bhinjee, who saw it at the distance of some cubits from the spot where it now is, and in an inclined posture. But if after all, the testimony of the Bramins as to the consecration, should be considered as substantiated by succeeding circumstances, still that part of it, which states the transfer of the hill, remains not only wholly unsupported by any testimony, but will be strongly contradicted by the fact of Pandoo's having, till the period of the sale, enjoyed the produce of it—the Pagoda might be consecrated, but it is impossible to say on this testimony that the hill was transferred.

II. With regard to the validity of the consecration the counsel for the defendant insisted that the Leeng was indisputably new, and that it would be proved that it was made by one Peer Mahomed, and if so, according to all authority on the subject, even as it already appears on the evidence for the plaintiff, the ceremony of Urcha was not sufficient.

But if it should still be thought that this consecration was sufficient, it does not follow that such property may not be seized by the creditors of the founder; for a distinction prevails amongst the Hindoos between a public and a private Temple, distinguished by the

names of Gram Munder and Gruh Urcha, the latter of which is liable to be sold or mortgaged whenever the founder becomes distressed in circumstances. Mr. Woodhouse contended that this from the conduct of Pandoo must be considered as one of the latter description; and that the public resort to it could not be considered as conclusive of its public nature, when it is considered that the spot according to the plaintiff's own statement had from time immemorial been visited by religious Hindoos, and that there was no reason why Pandoo should on account of his own private devotion have excluded them after he built the Pagoda.

At all events a claim like the present ought to be supported by the most irrefragable and undeniable testimony. The question is not merely whether the private property of Hormusjee is under the protection of the Court; whether an individual purchaser of an estate sold by an officer of this Court, at a public sale for a full and adequate consideration is to be protected in his property; whether the silent acquiescence of all the parties interested at the time of the purchase, and for seven years afterwards gives any validity to the sale—These were considerations which demanded serious attention; but there were other circumstances which called upon the Court to view claims like the present with peculiar jealousy. If the doctrine contended for respecting the effect of such ceremonies as these on the alienation of property be admitted, a wide and fatal door may be opened to the Hindoo debtor for the commission of fraud on his creditors. There can be no objection to admit that property once transferred to religious purposes should be unalienable by the granter provided the ceremony of Pruteeshta be duly performed—if this takes place all danger of fraud on creditors is at end from the notoriety of this ceremony; which was doubtless wisely intended to prevent secret and fraudulent conveyances of property. But if a ceremony like the Urcha, performed at midnight and capable of being transacted by one or two Bramins without noise or publicity, is to have this effect; it is hardly necessary to point out by how safe and easy a mode, a dishonest debtor might convey from his creditors property to any extent—he has only to declare to a few friendly and credulous Bramins, that he has discovered a Leeng; to request them to perform the Urcha; he points out the extent of his estate which he means to appropriate to the god, and it is that instant conveyed away, never again to be claimed by him or his creditors till the Sun and Moon shall pass away—and yet by a very easy juggle between the debtor and the priest who care not for the rights of the dumb and patient god, the debtor may remain in possession of all the benefits of the estate.

The Urcha in general is performed where there is only a slight and casual descreation; and where the religious character of the place is known to all.

But in this present case where the hill has passed as private property for centuries and been repeatedly conveyed as such, the Pruteeshta ought to have been performed. And though it may be allowed that the Urcha is sufficient to give the Pagoda a sacred character, still the court will not hold that any property could pass without the performance of the more public and notorious ceremony of Pruteeshta.

There is another circumstance also which presents itself as a weighty consideration why this claim should not be admitted on light and suspicious testimony.

The Hill in question is in the immediate neighbourhood of the antient Sepulchres of the Parsees—The walls which enclose the last remains of their dead are seen from its summit, and at the foot of it within a few yards of the offensive symbol, and exposed to the gaze of the idolatrous worshippers, of Mahadeo, is the private road of the Parsees along which the procession that accompanies the corpse to the last abode of mortality must wind its mournful way.

To those who are acquainted with the peculiar mode of disposing of their dead adopted by the Parsees; who are aware that it is part of their creed, that God has commanded them to build their places of burial in waste and desert spots far from the resort of men; who are aware of the caution with which they themselves avoid those melancholy mansions, and the jealousy which nature and religion bid them feel at the approach of the stranger; it must be needless to point out how peculiarly offensive the establishment of a place of worship in such a situation must prove.

These were feelings which if they might not be called religious were at least so intimately connected with religion as to deserve in the eyes of the political moralist as much respect and protection even as those which impelled mankind to the worship of superior beings.

A respect for the remains of the dead and consequent due performance of the funeral obsequies has prevailed in all ages and amongst all the nations of the world, in which the hope of future existence has prevailed and the superintendence of a Divine power been acknowledged. The intimate union of these feelings was strongly exemplified during that revolution in the Western world, which has in so memorable and striking a manner unfolded to the Philosophic eye the varied elements of which man is composed. During the dreadful reign of terror, when the frantic philosophy of the day inscribed on the portals of every Church in France, " that death was but an eternal sleep"; the cold remains of the dearest objects of cherished affection when living, were carelessly consigned to the grave, and the earth heaped upon them without a friend to sigh over the closing tomb.

No sooner however was the voice of prayer and praise again heard within the walls of the neglected churches of France, than the rites of sepulture were revived in all the pride pomp and circumstance of solemnity. A death of the member of the national institute occurring immediately after this return to religious worship, that learned assembly with a view of impressing on the public mind, the sense they entertained of the importance of such ceremonies, attended the funeral of their departed brother in solemn procession.

It may be confidently asserted that in any Court of Justice that pretended to recognize the religious feelings of any portion of the community over which its jurisdiction extends, as deserving attention and protection the erection of a Pagoda in the situation alluded to, would be deemed a nuisance. Neither can it admit of a doubt, that considering the antiquity of the tombs which have been erected for upwards of 130 years; which were established long before this Pagoda was thought of, and while Baboolnauth and his symbol were lying deep in the ground forgotten and neglected, such an erection would never have been permitted, had any application been made to prevent it at first—why none was made has been already stated; and Mr. Woodhouse contended that it would be great injustice to permit the fraud which Pandoo practised on the Punchaeet to have the effect of legalizing the erection—and that the Court could not without forfeiting all claim to consistency of principles sanction and protect the clandestine establishment of a nuisance which it would originally have exerted its power to prevent.

Mr. W. made some observations on the disturbances and riots, and perhaps worse consequences that were to be apprehended, if this claim of the Hindoos was established, from the probability there was that their exultation would proceed so far as to induce them to intercept with scoffs and insults, the funeral processions of the Parsees, and to carry the insolence of their triumph to the very walls of the tombs.

Mr. W. concluded with observing that whatever importance and consequence the case of the Plaintiff derived from the sanction and assistance of the government; he felt assured that this circumstance could have no influence on the judgment of the court; motives of commendable policy most probably directed that sanction and assistance at a time, when it was perhaps of great importance to hold out on high authority to the native subjects of this country, that whatever apprehensions might be idly spread abroad of systematic plans of conversion to the Christian faith, the ancient and prevailing religions of the country were in no danger.

But he trusted that in order to convince the Hindoo community that their temples and their Gods, their faith and their worship will ever be in perfect safety under the protection of a British Government, it would not be thought necessary that the individual temple in this case should at all events be fixed in its foundation by a judgment of this court—or that in order to ensure so desirable a conviction, the rights of private property should be thought lightly of, or the rules of evidence set at nought. As by the evidence on the part of the Plaintiff it had been seen that when the habitation of his god was in danger, a Bramin might falsely say " this is no Pagoda" so Mr. W. felt confident that the court in its ultimate judgment in this cause, would in the spirit of truth declare " this is no Pagoda."

EVIDENCE FOR DEFENDANT.

Reverend Arnold Burrows proved the sale and purchase and subsequent delivery of it by the Sheriff—his drawing Toddy from the trees, and that there were the appearances of the ruins of an ancient Pagoda on Baboolnauth, but that he never heard they were in any estimation.

Vencatra Sastree, says he is a Bramin and Pundit from Benares, where he had been for some time employed as an officiating priest to a Pagoda, dedicated to Rama Gopal and which is always attended by a Pundit.

Describes two sorts of Pagodas the one belonging to the town called Gram Munder, the other to an individual of a house called Gruh Urcha. All new symbols of Mahodeo require the performance of the Pruteeshta, which is also necessary in case a Leeng originally made by the hands of man is found after having lain in the ground for any number of years, and that an Urcha of one day would not be sufficient. The performance of Urcha, when Pruteeshta ought to have been performed, is not sufficient to pass any property in a Pagoda. In a Gruh Urcha the symbols may be removed, in the Gram Munder not. In the case of Gruh Urcha, the ceremony of Pruteeshta is necessary whether the Leeng be old or new. If a stone be found in the beds of any of the sacred rivers of India, the ceremony of Urcha only is sufficient.

Has seen the Pagoda in question and thinks from its vicinity to the tombs, that its situation is very improper; such as no good Bramin would have sanctioned or would ever perform the ceremonies in. The drawing of Toddy so near and placing it in the neighbourhood of the Pagoda pollutes it. The daily ceremonies ought to be performed by a Bramin, a Bremchally or a Gopee, and if a common Hindoo touches the images the purification by Pruteeshta is necessary. [This witness was called upon to read a Shastrer which was produced to him, which he did with some apparent hesitation attributable to his situation in a Court crouded by hostile Hindoos,) he produced a Sastree called Sastroh, but refers to a book which he has at home and which he called Pruteeshta Veda in proof of his doctrines. He is ordered by the Court to produce the same to Mr. Erskine. On the following day Mr. Erskine reported as follows:—

The name of the book mentioned yesterday was Pruteeshta Veeddhee, in which he said the doctrine of the Pruteeshta was contained; this he has not brought, as he has it not.

He has brought to day a book called *Sara Sungraha*, a selection from different works, by *Yumoonacharee* who lived 2000 years ago. He was a Dravid Bramin and a Veishnuvee; it is in Dravid character, but in the Sanfcrit language.

EXTRACTS.

" If one sell the Temple of a town, it is a sin equal to the murder of a Bramin; if one build a Temple at his own expence and fall into distress, he may sell it. If one build a Temple he has thereby a reward equal to what he would have from the exercise of the virtues; and he who fells one is guilty of the murder of a Bramin every step he takes,"

He has never seen any thing in any book concerning the Leeng Pruteeshta or Ling Urcha, but has heard concerning them from the mouth of very great Pundeets. When an image of Veeshnoo is defiled by one of a different religion, Urcha alone is necessary; but if it hath been defiled and remained polluted in the ground for some hundred years, a Pruteeshta of one day is required; if the image be broken, there must be a new Pruteeshta.

He knows the rules of Ram's worship, but not of Sheew's. He chiefly attends to the Veedansa Shaster.

He has heard from great Pundeets, that if a Leeng be found in the ground where it has long lain, a Pruteeshta is absolutely necessary. If it be broken it cannot be set up at all as an object of worship. If a Leeng have met with a trifling defilement as from the touch of an impure person &c. and continued for a short time defiled; then Urcha suffices: but if it have continued defiled many years Pruteeshta is necessary.

Pillajee Majee deposed to his having been in Pandoos service for about 20 years; he was employed first as a bigaree, and superintended the rest of the bigarees while Pandoo was building his tank; no Leeng was found on that occasion, the Pagoda as it now stands was built about 2 or 3 years after witness came into Pandoo's service, an old building which stood there having been pulled down. Know's Bamajee the bricklayer who was employed in building it; the same Leeng and Nundy that are there now, were originally there; neither knows how they came there nor ever heard Pandoo say any thing about them; witness performed the ceremony of Poonja by Pandoo's direction for several years, Balla a Parsee for one year during Pandoo's time and by his directions, drew the toddy and while collecting it used to place the pots in the veranda of the Pagoda; the Bremchally had a Ghantwally woman living with him in huts adjoining the Pagoda; a gate at the lower end of Baboolnauth hill opening into the Parsee road to their tombs was shut up by Pandoo at the desire of the Punchaud, who objected to its being there, and Pandoo desired witness to take his cattle the other way, they consisted of 7 Bullocks and 1 Buffalo. Being examined by the Court he said that the people of Girgon village used to frequent the Pagoda six or seven of them at a time to perform acts of devotion during all the time he was there.

Bamajee Ragojee deposes to his having been employed by Pandoo to build the Pagoda which is now standing there, there was a Saloonkha but no Leeng, he built over the Saloonkha and when the Pagoda was finished, the Saloonkha was removed in order to finish the floor; when that was done, the Saloonkha was taken back and placed by the witness, who also fixed the Leeng in it which was made and brought there by one Peer Mahomed a stone cutter. The Leeng was too large for the hole in the Saloonkha; witness saw the stone cutter reduce the size of the Leeng and witness by means of chunam fixed it properly; the Leeng now there is the same which he put up, remembers the building of the Tank the walls of which were built after the Pagoda.

On his cross examination he says that about a year ago Gunness had a conversation with him, he desired Gunness not to call him as a witness but if he did he should speak truth.

[This witness having gone from the box without any questions being put to him by the Court, the Counsel for the Defendant, being desirous that a witness whose evidence was by them considered as most material should not depart from the box without the severest scrutiny, requested the Court to call him back, in order that he might undergo the most complete examination.] On being examined by the Court he says he never saw Peer Mahomed before he brought the Ling nor since; knows he was employed by Pandoo to make the Leeng and Nundy, knows his name is Peer Mahomed from its being called over amongst the workmen when their names were put down; did not see him make the Leeng and Nundy; saw him bring it with coolies and is quite sure that it was a new Leeng. Peer Mahomed was an elderly middle aged man.

Some other witnesses were called who distinctly deposed to the drawing of Toddy and the use of the hill by Pandoo.

A witness was now called to prove the message sent by the Punchaud to Pandoo respecting their objections to the Pagoda's being built and Pandoo's answer, but as it amounted only to hearsay evidence the court rejected it.

Nasserwanjee Monackjee and Ardassier Dadysett were then severally called, who depose to the great objection which their cast entertain to the erection of such a Pagoda in the neighbourhood of their tombs which their religion requires to be in a solitary situation—and particularly as the worship of the Leeng is peculiarly offensive to them; remembers the Punchaud about 23 or 25 years objecting to the building of a Pagoda on Baboolnauth.—Ardasier Dady knows of a message to that effect having been sent to Pandoo about

that time, and says that he and other young Parsees would frequently dine and make merry in the Veranda of the Pagoda,—which Pandoo knew but never objected to.

Extract from the Virjurkurd, *composed by* Mediomukh, Roshun, *and* Gokooshewt *three Scholars of* Zeratusht. *It is written in* Pehlevee, *and is of great authority.*

This is clearly understood in our religion, that Mediomukh has said, a place of sepulture should be in a waste place remote from habitations, that persons of a different faith may not walk about it, nor go backwards and forwards on the road to it, and that no one live near it; This is an extremely essential rule.

Revayet, composed from the opinions of the most respected teachers of their Religion, in Persian,

Kamdeen Shapoor asked, teach me how to make a place of sepulture. The Learned replied, the place on which it is to be made must be waste, and must be far from dwellings; near it must be no cultivation nor the business necessarily attending the existance of dwelling; no habitation nor population must be near it. (The mode of building the burial place is then given.)

N. B. Kamdeen Shapoor was sent into Persia from India about 150 years ago, to get information concerning the forms and rites of their religion. The Revayets are the answer.

Vendidad (in Zend,) 6th Fusul, Section.

Zertoosht asked of God, when a person dies, where is he to be carried and left? God answered, a place of burial must be made on a hill remote from dwellings; (it is then mentioned how it should be made.) Zerdoosht adds as a commentary, it must be remote from dwellings, that no persons of a different persuasion may approach it; nor must persons of the same faith come near it.

The examination of Ragwacharee was taken by consent before Mr. Erskine.

This witness deposed that he was a Drávid Bramin, and of the sect of Veeshnu that he was a Bhut and a reader of the veds; a begging Bramin and understands á little Sanscrit and has seen many ceremonies in his own country; he described the ceremony of Pruteeshta which he saw performed in the Karnatic at Goodwilla, where there was a temple of Sheew which had been defiled during the invasion of the Nizam Nazir Zung and had remained polluted about 50 years, in which neither the Leeng nor Saloonkha was broken. The witness only went at the time the ceremony was to be performed; several hundred sat down to dinner; but the witness being a Veishnavee did not sit down; the ceremoney occupied a day and a half, after having described the ceremony, he went on to state, that he never saw Urcha performed for a Temple; he never read any thing in a a book concerning either Pruteeshta or Urcha. The ceremonies of the worship of Veeshnoo and Sheew are are in his country nearly the same, he knows some of those of Veeshnoo but not of Sheew. There are two books the one Veeshnoo punch-ratree, the other Sheew punch-ratree; the former containing the rules for the Pruteeshta of Veeshnoo: The latter for that Sheew; he has read neither. He knows nothing of Urcha, they never performed Urcha in his country for any defilement; they in such a case perform a new Pruteeshta: If an Image or Leeng be found in the grougd where it has lain many years, they perform Pruteeshta. He has never seen such a case but thinks Pruteeshta necessary. In his country the meaning of Urcha and Pooja is the same and they are the same ceremony. When the Leeng is new more ceremonies are required and they frequently occupy from four to nine days. The Leeng stands out of the temple till the last day of the ceremony when it is brought in.

The Evidence for the Defendant being concluded; Mr. Advocate General was heard in reply.

He contended that the fact of an antient consecration was established beyond dispute; and that the regularity of the modern one was not to be impeached by such a Bramin as had made his appearance, in opposition to the Pundit of the Court, and the other learned persons who had been examined on the side of the Complainants. According to their unanimous doctrine, a mistake of ceremony, even if it had been committed, was not of such importance as would avail the Defendant; for siill a sufficient portion of the sacred character was communicated to make the Idol immoveable, and the Pagoda holy.

But the pretence on which the alledged necessity of performing Pruteeshta instead of Urcha was founded, could not for a moment be believed. It was said that the Leeng, for which such antiquity had been claimed, was the modern manufacture of a Mussulman Stone-cutter, whose place of habitation however could not be pointed ont, and who had never since been seen or heard of. If secrecy was Pandoo's motive, the employment of such a person, in a work so novel to a disciple of Mahomet, was not likely to ensure that object, and in fact it did not appear that Pruteeshta required solemnities of greater duration or publicity than Archa.

But why affect concealmant? The Punchaeet of the Parsees could not have prevented what took place, if they had been ever so long apprised of the design in agitation. The spot was Pandoo's, and he had a right to dispose of it as he pleased. Indeed with all their pretence of being taken by surprise, it was plain they were by no means ignorant of his intentions, yet they did not take the only step which could have had any tendency to prevent their execution, an application to Government; and when those intentions were carried into effect, they still were passive, and so continued (tho' the defect and informalities now laid hold of, must then have been better known, and could more easily be substantiated) for upwards of 20 years. It was not very necessary to be on the watch against activity such as this, and when Baboolnauth, according to the Defendant, was at last exposed for sale, and an opportunity presented itself to obtain possession of that obnoxious property, it was left to the Rev. Mr. Burrows to become the purchaser.

The doctrine, that Bramins on such subjects are not to be believed, would prevent the proof of all consecrations, for none but Bramins are allowed to be present at solemnities of that nature. There is therefore a necessity to admit their testimony, and in the present case, it is supported, instead of being shaken, by the evidence of circumstances. The discovery of an antient Saloonka and the ruins of a Pagoda, which must at one time have been public property, is not disputed. This alone rendered it necessary for Pandoo, if he would escape execration, and the imputation of avarice the most sordid, aggravated by the worst impiety, to restore the place to its former state; and the best evidence of his having done so, is the fact of uninterrupted resort for so long a period. This would be sufficient, of itself, to induce the Court to presume a Grant, much more to credit those who assert upon oath that a Grant was made.

It is true that previous to the consecration, persons of the cast were not excluded from the spot in question; it was without a fence, and their visits, whether of curiosity or devotion, could be, productive of no harm; but after the dedication the use of the property was more than tolerated, it was invited; accomodations were prepared for the convenience of those who came there; a Bramin maintained by Pandoo attended to assist in their devotions; all this was a renewal, by unequivocal acts, of that verbal declaration of divestiture which preceded them.

The subsequent conduct imputed to Pandoo might be admitted, without prejudice to the cause of the Complainants, but he was a most extraordinary & inconsistent character if that conduct had truth for its foundation, At one time, such was his zeal for Religion that rather than not erect a Pagoda to Mahadeo, he steals a march upon the Punchaeet, and submits to have ceremonies performed of comparitive secrecy and silence, and therefore less flattering to the vanity of a Founder. He does all this, and then, according to the Defendant's account of his conduct, is guilty of acts which proclaim to every one that a mere farce of consecration has been performed, and never rests till he has undone what he had been at so much trouble to accomplish. But supposing Pandoo to have acted in the manner ascribed to him, are the publick who were not in fault to suffer the penalty of his misconduct, while, by a strange retribution, he receives the reward of his impiety, by the property which he parted with being restored to his Estate? If this is a competent mode of rescinding Grants of Pagodas, the Hindoo community hold their right in places of that description by a very precarious tenure. It is only necessary that a man should be sufficiently wicked to destroy their title, and recover back his own.

With respect to the veneration with which the cast of the Defendant view the mansions of their dead, it was a sentiment in which every one would participate. The last abode of mortality, where dust returns to dust, and others are what we must one day be, cannot fail to be regarded with reverential awe, by every well regulated mind. In sympathy with these feelings, an immense space had been set apart by Government as a receptacle for the Parsee dead, and a wall, upwards of 10 feet high, prevented all intrusion on the tombs which it enclosed. Baboolnauth was not adjoining to this lofty boundary, but separated from it by a property in the possession of a Parsee. The wish for greater seclusion than this could not well be consulted even if it was seriously entertained. The surrounding solitude of 10 miles, which one witness had stated as desirable, would depopulate the Island. To gratify such a prejudice, a desert should have been chosen for the residence of the Cast; but in truth, the wish was akin to that in the Satire. *O si angulus ille proximus accedat*— it would be as well to have more space, but there is enough for every reasonable purpose already. A vague, unmeaning desire of this kind was not to be indulged, at the expence of destroying a place of worship held sacred by a whole people. At the same time, if any thing could be suggested to render the approach to the neighbouring tombs more private, without material prejudice to the rights of the Complainants, he was certain it would be readily complied with.

On Tuesday the 2d. of August the Recorder delivered the Judgement of the Court substantially as follows;

This is an issue directed by this Court as a Court of Equity, to try the Question Whether the soil and freehold of a spot of Ground called Baboolnauth Hill be in the defendant, or in the Hindoo Community for the purposes of their religious worship. This spot is admitted on both sides to have been in the year 1774 the property of one Pandoo Sewjee, and the question of fact on which the issue depends is, Whether in April 1800 it was in Pandoo or in the Hindoo Community. If it was then the property of Pandoo it must now be that of the defendant. If it was then vested in the Hindoo community it must still continue so to be vested. All Pandoo's property in the neighbourhood was then purchased at a Sheriff's sale by the defendant. If this spot had before been *fully and lawfully* conveyed to the Hindoo community, it could not have been acted upon by a judgement against Pandoo—If it was not it was certainly purchased from the Sheriff under an execution against Pandoo's property, and is now the freehold of the Defendant.

As a Question of fact and law it is short and not difficult. But it is of great importance as it affects the religious opinions and usages of the Hindoos and Parsees, the one of whom claim the Ground as the site of a temple dedicated to their worship, while the other seek to deliver themselves from this Temple as an intrusion upon that solitude which they desire to spread round the mansions of their dead. I trust that both Parties will acknowledge that we have investigated with the utmost patience, labour and respect, rites of sepulture and of worship all of which are repugnant to our manners, and some to our moral principle. In this respect indeed we have only done our duty. We do not affect to *tolerate* the religions of our subjects as if they were matters of sufferance and indulgence. We *protect* them equally and vigorously, and we take care that they shal! be no more treated with insult or levity in this Court than they would be by judges who deemed the rites to be sacred.

In the present case we have to consider the usages of the most ancient nations or religions of the world. The Hindoos have strong claims on our attention from the mere circumstances that they form, the vast majority of our subjects in India; and as one of the earliest of civilized nations, they will not be contemplated by liberal and generous minds without some portion of compassionate respect. The Parsees are a small remnant of one of the mightiest nations of the ancient world, who, flying from persecution into India, were for many ages lost in obscurity and poverty, till at length they met a just government under which they speedily rose to be one of the most opulent mercantile bodies in Asia. In this point of view I consider their prosperity with some national pride. I view their wealth as a monument of our justice, and I think we may honestly boast that the richest inhabitants of this settlement are not of the Governing nation. This little tribe is on other accounts interesting. They have preserved the activity of their minds and the vigour of their bodies during a residence of a thousand years in India. This is a sufficient refutation of those dastardly and degrading theories which represent courage and understanding as incompatible with a vertical sun, and which ascribe to climate that degeneracy which ought to be considered as one of the effects of superstition and tyranny.

What fancied Zone can circumscribe the soul,
Who conscious of the source from which she springs,
By reasons light on resolution's wings,
Spite of her frail companion doubtless goes,
Through Lybia's deserts and o'er Zembla's snows?

They are said to be "purse-proud." Even this unamiable quality is a mark of some progress. Wealth must be secure before men can be purse-proud. Under a rapacious tyranny the purse inspires more fear than pride. There is a sort of moral *interregnum* after nations have thrown of their ancient prejudices and before they have substituted nobler principles in their stead. The appearances exhibited by men in this state of mind have sometimes on a large scale been the most dreadful in the history of the world. On the smallest scale they are not agreeable.

The Parsee merchants are intelligent enough to know and feel the difference of their present from their former condition—They know that as long as they lived under tribunals which could be influenced by favour, they were poor and miserable—and that they have become rich and flourishing since they were subject to Courts where favour and partiality would be considered as a greater abomination than those sacrilegious pollutions which they hold in the greatest abhorrence. If they were again to fall under Courts that could be influenced their wealth would speedily vanish—They will not be such Suicides as for the sake of avoiding some disagreeable judgments to wish that the principle were weakened on which their safety and their wealth depend.

Something has been said of Policy—The only policy can be considered in this place is justice, which, as a great man has well said "*is itself the standing policy of civil society.*" But I am persuaded that there never was any disaffection among the Hindoos, and that a submissive and gentle nation which has yielded passive obedience to so long a succession of tyrants and persecutors, feel nothing but gratitude towards those who protect their property and their religion—No grounds for such a disaffection were most certainly ever furnished by those persons, respectable for their blameless lives, entitled to the veneration of all men for their disinterested purpose, who have sacrificed all the ordinary pleasures and advantages of life to the hope, well or ill founded, of spreading Christianity in the East; who would spurn with horror the aid of coercion if it were offered, who disclaim even the favour and countenance of authority, and who desire only that toleration, or rather obscurity, which a Christian Government most justly affords to its Hindoo and Mahometan subjects.

But to return—the question is Whether before the sale by the Sheriff in 1800, Pandoo Sewjee had not devoted this spot to the public use of the Hindoo community by building and consecrating a Pagoda upon it.

The question depends upon considerations of *fact and law.*

1. The case of *fact* for plaintiff consists of two Parts.

The original consecration of the Pagoda, and the solemn renunciation of the property, is proved by two eye-witnesses, the Bramins who say that they took part in the ceremonies—That the Hindoo code admits considerable laxity on the subject of religious perjuries seems beyond all doubt, though it is not easy to determine how far this relaxation extends—And it is the less necessary because it seems to be faintly denied, if not absolutely admitted for the defendant, that some sort of consecration regular or irregular, for private or public uses did then take place—It is of no great importance also, because I shall treat the testimony of the Bramins according to the principle of Indian law quoted by the counsel for the Defendant from my friend Major Wilks's excellent report on Mysore "*that a witness is not to be believed unless his testimony be supported by other circumstances.*"

The Plaintiff has accordingly endeavoured to support their testimony by several circumstances, the most important of which is the notoriety of the subsequent public use and enjoyment of the Pagoda by the whole Hindoo community for a period of twenty five years.

This is proved by four Bramins, one of whom was the officiating Priest of this Pagoda for thirteen years, and another assisted at a religious ceremony performed in it with twelve other Bramins.

It is proved by five considerable Hindoo Inhabitants of of different casts, unconnected with Pandoo Sewjee, and residing at some distance from the spot, who have occasionally offered their devotions in this temple, and who must be considered not as single witnesses but as representatives of the classes to which they belong. They seem to include the whole community. They were distinguished from the rest by no circumstance of neighbourhood or connection. Their admission seems therefore evidence of indiscriminate admission.

Two Inhabitants of the village of Ghirghon prove that this spot, before the erection ot the Pagoda, was the object of reverence to that village, that they visited the spot in their religious processions, and that since the Pagoda they repair thither with the same veneration as to the most renowned Temples of the Island. Now what is open to a whole village must be considered as public.

The use of the Pagoda indeed by this village is proved by the defendant's principal witness Pillajee, who also proves the fact of some sort of consecration whether regular or irregular. The consecration is rendered probable by the deceit which Pandoo practised on the *Punchaeet* of the Parsees, manifesting his serious intention and eager desire to consecrate; and by the previous sacredness of the place and tradition that it had been the seat of an ancient temple, proved by many witnesses and particularly by the respectable testimony of Mr. Burrowes.

This circumstance of subsequent public use is of such nature, that if it had been false it could easily have been disproved: and it is so important as to be almost decisive, for it never can be supposed that, without some previous consecration, such an use could have arisen or continued. Nothing therefore turns upon the credit of Bramins or of other Hindoos, in a cause where their religious zeal is engaged. The whole depends on circumstances which cannot lie. Some sort of consecration is proved even by the defendant's principal witnesses; and the subsequent public use is not attempted to be disproved.

It is however said for the defendant that the subsequent conduct of Pandoo proves his consciousness that he had not dedicated this spot to religion and the public; that he received the profits of the field, and permitted pollutions in the Pagoda, which never could have happened if he had not known there was no consecration.

But as he maintained the Priest he might think himself entitled to the Surplus Revenue; and as to the profanations, whatever their legal effect, which is matter for future consideration, it is obvious that, for the present purpose, they *prove too much;* for it never can be doubted that he meant to establish at least a private Pagoda; and it cannot be contended that these profanations would not as much affect a private as a public Pagoda.

But it is said that this was only a private Pagoda—It is however said gratuitously. It has no support from the evidence, which is universally in support of indiscriminate admission. If the evidence is altogether to be rejected, there was no Pagoda either public or private. If it is at all believed it establishes a public Pagoda and

no other. There is no trace of any other: there was either a public Pagoda or none.

It seems therefore to be a fact most certainly established in this case, that Pandoo did *actually* consecrate and renounce to the Hindoo community the spot now in dispute.

II. But the great and I think the only argueable question remains Whether this consecration and renunciation be valid by the religion and law of the Hindoos.

It is held by the Pundits of this Court and of the Sudder Dewannee Adawlut that *Urcha*, a sort of lustration, the ceremony employed on this occasion is the proper ceremony in case of old Images of a divinity, or symbols of his worship, which have been profaned. It is held by Vincatee Shastree, from Benares, and by from the Carnatic, that *Pruteshta* must be performed in all cases,' where the symbol of *Mahadeo* has not been found in the bed of a River formed by the hand of nature.

Both parties have produced texts of books deemed sacred, or at least respectable, in support of their opinion.

Before I consider this difference of opinion, I must observe in fairness to one who is too modest ever to claim justice for himself, that without the guidance of Mr. Erskine, I should not have thought myself safe on such ground as this, and that this Court possesses in him an officer whose knowledge, distinguishing judgement and enlarged understanding afford a most unusual security against imposture in all matters regarding the Religion, Law, Manners or Languages of India.

These foreign Bramins, when they oppose the opinion of our native Law Officers, must do so under considerable disadvantages. Of them we know nothing—We are *well* acquainted with the character of our own Pundits. They have little to lose by falsehood—They are at Bombay to-day, and at Benares to-morrow. Our Pundits risk their all by imposition—Detection subjects them to the loss of their consequence, their character and their very livelihood.

It is further to be observed that the foreign Bramins are on this occasion not *Pundits*. Under the general appellation of Bramins are comprehended many classes, of whom the great majority neither possess nor pretend to learning. Great numbers are engaged in occupations purely secular—Many others, the officiating Priests in Temples, know nothing, but the detail of their ordinary ceremonies, and recite, often without understanding, the the Sancrit verses which form part of their Liturgies. The *Shastrees* are a higher class and may apply themselves to any profane science. But the *Pundits* alone are Doctors of Theology and Law. One of these witnesses was at first guilty of an affectation not quite peculiar to India. He gave himself out as more learned than he proved to be. But he did not persevere very strongly, and he soon acknowledged that he was no Pundit, and consequently not an authority of equal weight with the native Law officers of this Court.

But what was still more important is, that both these foreign Bramins are the adherents of a sect perfectly different from that whose rites are now in question. They are both Veishnuvees, and the question before us respects the worship of Mahadeo. Their Liturgical tests only relate to the worship of Veeshnoo. One of them says that he knows nothing of the worship of Sheew but from hearsay. The other saw one consecration of a Temple of Sheew, but he could be expected to have little accurate knowledge of the subject, who, as the follower of another sect, wss obliged to retire when the moment arrived for the performance of the most sacred ceremonies.

These Veishunvee Bramins are in truth no more authorities about the worship of Sheew, than the Archbishop of Toledo would be about the discipline of a Quaker meeting.

But even supposing that these Priests of another sect, of an inferior order, of a foreign nation, of probably less learning, and of a character totally unknown to us, for whose intelligence and probity we have no pledges, were to be thought more correct in their general doctrines, than the Pundits of Bombay, this would by no means be decisive of the present question. The only necessary consequence would be that the Hindoos of Bombay have deviated from the Path of Orthodoxy, that they are schismatics or even heretics. Be it so; still a schismatic or a heretic may found a temple. A heretical or schismatical community may receive and enjoy it. Our business is not to reform the errors and abuses which may have crept into the Hindoo Church. We are to protect all our subjects in the exercise of that religion which they think right—As we are not to measure it by the standard which we ourselves think right, still less are we to try it by comparison with what the learned or orthodox Doctors of Benares or Triputee think right. Our question is What is the usage of the Hindoos of Bombay, of whom the founder was one, and to whose use he dedicated this temple. Now of that usage our Pundits must be allowed to be the best witnesses; and they tell us that according to that usage this Pagoda is rightly consecrated. They state indeed that the same ceremonies were employed in the consecration of the most sacred Pagodas of the Island, as that of *Mumba Devi* herself, the guardian goddess from whom it has received its name. It is sufficient for the purpose of this cause to decide that this was a legitimate consecration, according to our local usage. To proceed upon other principles would lead to inextricable confusion. In a religion like the Braminical, spread over so vast an extent of Country, many parts of which are ignorant and have little communication with each other, there must be great local varieties in rites and ceremonies, especially in liturgital formalaries which have fluctuated even in learned Countries and unvarying religions. It is divided into innumerable sects, and the opinions of the Doctors both Philosophical and Theological, differ as much as the practice of the Vulgar. In such circumstances if we were to enquire beyond the established usage of a district, or a feast, we should transform ourselves into a Synod for trying the Orthodoxy of Hetorodoxy of Hindoo communities.

But it is said that even according to the Plaintiff's statement of Law, *Pruteeshta* was here the proper ceremony; because the Leeng was not *found* but *New*, being made by Peer Mahomet.

Granting this fact to be proved, it is somewhat hasty to conclude that, because a consecration is originally defective, we must, at the distance of thirty years, determine it to be void. There are many cases, even in our European codes where the omission of a form directed by law does not invalidate an act. *Fieri non debet, Factum valet*. But in African Law this must recur much more frequently. There moral precept and legal prohibition, Ethics and jurisprudence are blended, and all are engrafted upon superstition. It becomes a matter of great difficulty to separate these mingled ingredients; to determine what is properly Law, and what according to our distinctions is only morals; what omission shall invalidate a transaction and what shall be regarded as a mere offence against religion. In the present case our Pundits inform us, that even if the story told for the Defendant be true, though *Pruteeshta* might have been the more proper ceremony, yet *Urcha* is sufficient to confer sanctity on the Temple. And they add, what seems extremely reasonable, that time and long enjoyment have here their usual effect of sanctioning that which might have been originally defective or irregular. Taking them to be the most competent judges, with the above reservation of local usage, the Court decides this point on their authority. I shall therefore forbear to make any observations on the scanty and suspicious evidence, given respecting *Peer Mahomet*, a man never heard of but by one witness, and by him seen only once, a Mussulman so strangely employed in fabricating what he must have regarded as the most odious and monstrous symbol of idolatry. Nor is it necessary to observe on the improbability, that Pandoo who upon every Hypothesis meant to consecrate a private Pagoda, should have voluntarily adopted a mode of consecration equally imperfect for private as for public Pagodas, when it was so easy for him to have performed Pruteeshta.

It is farther argued that Pandoo desecrated this Pagoda by suffering Toddy to be kept in it &c.—Be it so. —The consequence may be that, by the Hindoo religion, *Urcha* must be performed before it can again be lawfully used as a Temple. But the consequence cannot be that, by his acts of profanation, he retracted the donation which he made to the Hindoo community.—That is impossible.—It is impossible for a donor to retract his donations by any act of his own. He cannot resume the property of which he has fully divested himself: the contrary indeed cannot be maintained without a contradiction in terms for to resume property is to exercise legal power over it. But to divest one's self of property is to cease to possess legal power over it. The ground may not now be *sacred* but it is still *public*. It will again become *sacred* when it is lustrated and purified. No evidence of Pandoo subsequently considering or treating this spot as his private property can be important, unless it were of force to break down the whole mass of that Evidence which shews that he had once renounced it to the community. In any other point of view it can only be considered as proof of his profaneness and usurpation. He might desire to resume it—but he had done an act which was irrevocable.

I have no doubt that the Sheriff intended to sell this spot—But his opinion is of no importance. *The Judgement against Pandoo could only affect that which was then his Property.*

But though the Sherif's opinion can never be supposed to have the least weight with respect to the important Questions of Law and fact which are now in dispute, I think myself bound to say that I consider that opinion as a fill justification of the conduct of the Defendant. It was most natural for him to conceive that to be his undoubted property of which the Sheriff delivered possession to him. As such it would have been strange if he had not defended it. The neighbourhood of the Tombs is fairly stated as only a collateral inducement—Nasserwanjee Monackjee, and opulent Parsee Merchant, of whom I have always heard a good character, has told us that they consider the rites of the Leeng as an intrusion into the neighbourhood of their Tombs, more than usually obnoxious.

Here we see the immutable character of an Asiatic race. The remains of those Persians who three and twenty centuries ago, in the armies of Xerxes, destroyed the Temples of Idols, who were among the most ancient monotheists and iconoclasts of the world, still preserve their abhorrence of Idolatry, and shew it with peculiar force against those idolatrous symbols which, though they are to be found from the mountains of Thibet to the Appenines, are always peculiarly abhorrent from the moral sentiments of man unperverted and undegraded by superstition.

There is scarcely any thing in which all nations more agree than in sentiments of affection snd reverence for the remains of the dead. It is a necessary consequence of the most general laws of the human mind: every thing the most slightly connected with those whom we loved is dear to us—Their remains are sacred. The honors paid to them may be considered as the opposite of Cannibalism. Funeral honors are an exercise of affection towards the remains of those who were loved; Cannibalism is an exercise of revenge on the remains of these who were hated. The one nourishes that benevolence from which it issues, and which it seeks to extend beyond the narrow limits of life—The other exasperates and barbarizes the malignity from which it springs, and on which it struggles to bestow a sort of infernal immortality.

But in this, as in other cases, the same common sentiments assume, in different nations, the most dissimilar and adverse forms. Reverence for these beloved remains have prompted many nations to adopt the practice of burning their dead. It seems a pure and elegant mode of exempting them from the power of corruption, and of preserving them in such a form that they need not be banished from the view of the affectionate survivors—But to those who have not adopted this practice it would probably appear like offering violence to the object of affection; it would seem to be a sort of second killing; a barbarous and impious destruction of what even death had spared.

Sentiments equally pious have lead perhaps the majority of mankind to the very dissimilar practice of interment, to remove the sacred remains from the situation where they can be seen in a humiliating and disgusting state to guard them from the world and insulting eye of the stranger to enclose them in the tranquil bosom of the Earth, with a thousand imaginary securities against violation, and to leave them to the gentle and gradual decay of nature, without taking any active part in their destruction.

Feelings of a very similar nature led the ancient Persians to that peculiar mode of burial above ground which is still practised by their descendants in this country: and it must be acknowledged that no sentiment can be more natural than the desire of insulating such repositories of the dead, of guarding them by a sort of sacred solitude from outrage from the eye of frigid curiosity, and perhaps from the abhorrence of adverse sects.

For nearly as the feelings which produce this mode of disposing of the dead approach to those which lead to the common practice of interment; there is perhaps none at which our habitual sentiments are more apt to revolt.—But if our own mode of burial were a new practice, to be examined for the first time, it is not without circumstances abhorrent to their feelings, which might make it seem to be an obscure and gloomy imprisonment of the sacred remains of the dead.

In these and in all other instances, common men cannot sufficiently cultivate the sentiments which give life to their own most useful and respectable practices, without suffering themselves to feel some abhorrence for the equally natural, useful and respectable, though totally dissimilar usages of other nations.

But a Philosopher respects all these venerable forms of humanity, however various and unlike, reveres in them all the attempt to carry affectionate beyond the grave, an attempt vain indeed for the secondary and paltry objects of animal existence, but which is not vain as a part of that grand moral discipline which humanises the heart of man.

Counsel for the Plaintiff Mr. Advocate General, Sollicitor, J. Cumberlege, Esq.

For Defendant Mr. Woodhouse and Mr. Macklin. Sollicitor, S. Humphreys, Esq.

At this case involves considerations of great importance to the parties, it will most probably undergo further discussion in this or a higher tribunal.

Sixth Calcutta Town Hall Lottery.

NINTH DAY'S DRAWING.

SATURDAY, AUGUST 20, 1808.

Nos. 1374 5468 7396 and 6999 Prizes of 1,000 Sicca Rupees each.

Prizes of 100 Sicca Rupees each.

Nos. 736	994	6665	5953	5044	1293	7224	
1400	2893	7021	2115	7256	2908	3388	347
4278	4935	143	4049	951	1084	1453	3180
320	3123	978	4476	3549	5948	1582	370
66	3102	3989	1160	5205	3733	1000	5211
1093	2513	2812	167	793	6098	3351	5899
1716	2216	396	6399	2853	5995	1177	2042
1043	1083	1416	2017	7229	6920	177	1593
1948	2031	6993	5888	2915	1128	2158	[illegible]
4184	5667	5604	3250	1542	7480	6750	7337
50	3664	6321	46	3367	5054	3706	865
3611	4812	6094	5223	6796	2774	4012	2951
3678	4083	5117	3643	505	4556	1997	4000
168	2375	659	5579	7433	6303	7159	93
1151	3510	6477	4831	4968	3639	7109	2909
6164	3776	7027	6254	98	5228	258	5619
3968	2583	5013.					

TENTH DAY'S DRAWING.

TUESDAY, AUGUST 23, 1808.

No. 236 Prize of 10,000 Sicca Rupees.

No. 4996 Prize of 5,000 Sicca Rupees.

Nos. 4624 1600 2006 and 2702 Prizes of 1,000 Sicca Rupees each.

Prizes of 100 Sicca Rupees each.

Nos. 5681	7173	1044	146	5128	1028	2161	
4860	3352	3436	6971	2809	5687	6270	3650
5212	610	5960	6308	4856	6224	2819	2473
7455	3295	4907	4939	6336	5245	5163	5451
1314	1616	2730	2479	6042	971	1125	3074
7326	4496	423	7014	6945	2858	6748	1355
5393	3025	3214	6208	6332	7426	5631	593
6637	4984	4733	589	3519	740	2694	5826
3033	6378	3866	201	2032	3287	6725	6014
773	3580	772	5188	454	958	6046	6974
7244	1420	5004	4891	7413	6069	1491	1561
2877	4009	5259	5487	3950	293	3108	6171
1729	1705	6760	6209	4460	2712	3644	150
5955	4325	1547	6560	560	5252	991	2004
2446	181	1261	4111	7495	7278	4574	3455
4731	7212	1159	7104	959	670	5760	3215
555	709	5788	3404	796	352		

ELEVENTH DAY'S DRAWING,

THURSDAY, AUGUST 25, 1808.

No. 41 Prize of 50,000 Sicca Rupees.

No. 5388 Prize of 20,000 Sicca Rupees.

No. 6758 Prize of 10,000 Sicca Rupees.

No. 722 Prize of 5,000 Sicca Rupees.

Nos. 3901 and 4953 Prizes of 1,000 Sicca Rupees each.

Prizes of 100 Sicca Rupees each.

Nos. 7033	5132	274	6842	1597	6452	3267	
6537	4742	1358	4630	2142	3875	4065	1695
5916	2792	5312	984	2955	3223	3839	2381
5749	48	7062	1647	5745	7073	2147	5298
4330	3735	6515	5275	3038	5800	2106	834
6411	2444	3292	4237	4702	6829	5459	7367
3419	5383	4706	1534	5301	6660	20	165
2069	3122	4468	3713	2746	386	2477	848
1343	3465	1677	3534	6441	1801	6425	1553
4587	1226	4534	1333	1855	5499	6294	1897
4797	3164	6191	328	7422	4353	2165	6008
1675	1269	6952	1196	1391	5924	6654	1086
5242	4100	5779	4357	4203	1347	1429	591
4377	7017	188	4871	5446	1460	2321	6702
3949	3516						

GOVERNMENT GAZETTE

EXTRAORDINARY.

MONDAY, SEPTEMBER 19, 1808.

Yesterday morning arrived the Honorable Company's Ship *Northumberland*, Captain FRANCKLIN, from London left the 15th April, and Madeira the 20th May.

PASSENGERS.

For Madras: Miss Keir,—Captain R. Mears,—Lieut. G. Flint, and Mr. G. M. Keane —*For Bengal:* Mrs. O'Hara,—Miss Corrie,—Miss Crisp,—Miss Cox,—Lieut. M'Donald,—Ensign Goodair,—Messrs. John Patterson, John Buck, Thornton, Lewis, Gardner, A. Hornet and Wooden.

Office of Commissioners for investigating the Debts of their Highnesses the late Nabobs of the Carnatic, Fort St. George, September 17, 1808.

THE Commissioners for investigating the Debts of the late Nabobs of the Carnatic, give notice, that they intend on Thursday next the 22d instant to proceed to the consideration of the following Claims:—

No.

44 Messrs. Binny and Dennison Attornies to [illegible] Sutherland Assignee of Caussypersaud Heir and personal Representative of Rajah Hookamut Ram deceased, Balance of an Account Current settled [illegible] the Nabob Wallajah & the said Rajah Hookamut Ram dated 15th [illegible] 1797 for Arrears of Salary. Principal, Rupees 22,937 6 0. Aggregate Sterling amount £7,430 18 3.

45 Messrs. Satur and De Monte Attornies for Lieutenant Colonel Burrows Administrator to George Burrows [illegible] deceased, Claim for Arrears of [illegible] and refer to the Durbar accounts in proof of the Claim. Principal, Pagodas 1,[illegible] Aggregate Sterling amount £2,190 5 4.

46 [illegible] De Monte Executor to the Estate of Capt. Bilderbeck deceased, Tunka 12th July 1797 of the Nabob Omdut Ul Omrah for arrears of Pay. Principal, Pagodas 1,707 28 10. Aggregate Sterling amount £963 9 3.

47 Messrs. Parry and Pugh, Attornies to John Neil, Esq. Mortgagee of Messrs. Tulloh, Brodie and Haliburton, Bond 1st January 1786 of the Nabob Wallajah for arrears of Pay, &c. Principal, Pagodas 14,322 [illegible] 0. Aggregate Sterling amount £12,044 16 0.

48 Messrs. Adrian de Fries and Co. Mortgagees of W. D. Brodie, Esq. Assignee of the Honorable Basil Cochrane, Administrator to the Estate of the late Capt. C. C. Klauman, Bond 31st December 1786 of the Nabob Wallajah for arrears of Pay. Principal, Pagodas 3,371 0 0 Aggregate Sterling amount £2,754 2 0.

49 Messrs. Adrian, John and Lewis de Fries, Attornies to Capt. Arthur Owen, Bond 15th March 1779, of the Nabob Wallajah, for arrears of Pay and Present. Principal 13,000 0 0. Aggregate Sterling amount £14,282 7 7.

50 Messrs. Adrian, John and Lewis de Fries, Attornies to David Simpson, Assignee of the late James Graham, Bond 1st January 1786, of the Nabob Wallajah, for arrears of Pay. Principal, Pagodas 3,000 0 0. Aggregate Sterling amount £2,302 6 8.

51 Francis Lautour and Co. Mortgagees of Jacob Pascal, Assignee of Pierre Lafosse, Bond 1st August 1797, of the Nabob Omdut Ul Omrah, for arrears of Pay. Principal, Pagodas 4,066 0 0. Aggregate Sterling amount £2,289 3 1.

52 Francis Lautour and Co. Attornies to Lieutenant C. Gordon constituted Attorney of Mrs. Anne Gordon, Executrix of Dr. Gordon deceased, Bond 30th November 1777 of the Nabob Omdut Ul Omrah for arrears of Pay. Principal, Pagodas 6,000 0 0. Aggregate Sterling amount £7,246 16 0.

53 Chinnacunnoo, Attorney to Aunapillay, Son of Sawmy Serang, Tunka 17th Sept. 1779, of the Nabob Wallajah for arrears of Salary. Principal, Pagodas 269 33 20. Aggregate Sterling amount £302 11 5.

54 Condapah Son and personal Representative of N. Mootiah Moodely deceased, Debt [illegible] the Nabobs Wallajah and Omdut Ul Omrah for arrears of Salary. Principal, Pagodas [illegible] Aggregate Sterling amount £538 4 4.

55 John Hunter Esq. Executor to the late Reverend Mr. Gericke Executor of Lieutenant Stockwell deceased, Bond 31st December 1785 of the Nabob Wallajah for arrears of Pay. Principal, Pagodas 2,425 0 0. Aggregate Sterling amount £1,981 4 0.

56 George King Attorney for Lawrence Cuzzo, Debt of the Nabobs Wallajah, Ameer Ul Omrah, and Omdut Ul Omrah for arrears of Pay. Principal, Pagodas 147 0 0. Aggregate Sterling amount £186 15 0.

The Executors Administrators and Agents abovenamed are required to exhibit the original Probates of Wills, Letters of Administration and Powers of Attorney under which they act and have signed the Deed of Agreement. It will be likewise necessary that attested copies of the Probates of Wills and Letters of Administration should be produced at the same time to be lodged in the Office for future reference.

W. PARKER.
S. T. GOAD.
HENRY RUSSELL.